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The Sparta/White County Experience: An Attempt to Unify Governments

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The Sparta/White County Experience



An Attempt To Unify Governments



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INSTITUTE FOR PUBLIC SERVICE
In cooperation with
The Appalachian Regional Commission

**THE SPARTA/WHITE COUNTY EXPERIENCE:
AN ATTEMPT TO UNIFY GOVERNMENTS**

**Prepared
by
Ron Fults
and
Joe Muscatello**

October 1988

**The University of Tennessee
Institute for Public Service
in cooperation with
The Appalachian Regional Commission**

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AN ATTEMPT TO CONSOLIDATE GOVERNMENTS IN TENNESSEE: THE SPARTA/WHITE COUNTY EXPERIENCE

This report is an account of the unification efforts between the governments of the City of Sparta and White County, Tennessee. The compilation of records and the documentation of events leading up to and through the consolidation attempt in White County including the election results of the referendum is the basis of this report.

The unification of the municipal government of the City of Sparta and the White County government has served as a test-ground for small rural areas considering to attempt the consolidation of their local governments. Through the combined efforts of the local officials of the City of Sparta and White County, citizens of White County, the agencies of The University of Tennessee's Institute for Public Service, and the Appalachian Regional Commission, a case study has been developed with the intent of transferring the knowledge gained through this three year process to other local governments in Tennessee and throughout the nation. This effort falls into line with one of the goals outlined by the "1986 Commission On The Future Of The South," Southern Growth Policies Board, which recommended that the number of local governments should be reduced in order to increase and improve the economic outlook in the South. This report found that the excessive number of local governments chartered and functioning in the South hindered the development of a comprehensive growth policy. Consolidation of governments was looked to as a tool to help relieve this problem. The "test-case" of Sparta/White County was being watched by a number of communities in Tennessee as a possible alternative to stimulate economic growth and increase governmental efficiency.

A chronology of events outlining the major milestones which have taken place since the inception of this process in August 1985, is offered in the appendices. The case study will follow the chronology of events, beginning in August 1985, and concluding with the election to adopt the charter in August 1988.

The report on the Sparta/White County Experience will focus upon four major areas. These areas were major milestones in the process, and include:

- (1) The formation of the Advisory Study Group
- (2) The formation of the charter commission and development of the metropolitan charter
- (3) The emphasis and interest given to this project from the State of Tennessee and others
- (4) The election to ratify the metropolitan charter

Throughout this report the terms consolidation and metropolitan government will be used interchangeably. This is due to the preference of the local officials of Sparta/White County to the term "consolidated," and to the use of the term "metropolitan" by Tennessee State Law. Various documents will be included in the appendices of each of the four major areas to assist in the chronicling of this event.

THE CONSOLIDATED GOVERNMENT EXPLORATORY STUDY GROUP

(August 1985 to January 1987)

The first major milestone in the consolidation process of Sparta/White County was the formation of an advisory group whose function was to develop a comprehensive study on the viability of consolidated government.

The leaders of the consolidated government effort recognized the need to investigate the feasibility of a metropolitan (consolidated) government before proceeding to convince the White County Commission and The Board of Mayor and Aldermen of the City of Sparta to appoint a Charter Commission and appropriate the funds mandated by state law to operate such a commission. In effect, this group was plowing new ground. Although Tennessee has allowed the consolidation of governments, (see Tennessee Code Annotated, 7-1-101 et. seq.) for a number of years, the attempts to consolidate have been limited for the most part to urban areas. Never before in Tennessee had a city and county in a rural area succeeded in consolidating governments. The only successful attempt prior to 1985 had been the consolidation of Nashville and Davidson County. If metropolitan government was passed in Sparta/White County, the community would have the "novelty" of being one of the smallest metropolitan governments in the nation and would set a precedent for others to follow. (Since the Consolidation effort began in Sparta/White County, the Town of Lynchburg and Moore County successfully passed a referendum allowing the consolidation of the two governments, becoming the smallest metropolitan government in the State of Tennessee, and one of the smallest in the country, thus taking away the precedent from Sparta/White County.)

resolution from the Board of Mayor and Aldermen of Sparta and the White County Commission, to request the services of MTAS and CTAS.

One of the first recommendations made to the initial group was to obtain enabling legislation from the city and the county to form a formal "exploratory" study group to consider the impact of consolidated government in White County. A joint resolution by the city and the county which formed the study committee was passed. Included in the resolution was a request for the services of The University of Tennessee's CTAS and MTAS.

Exploratory Committee

(November 1985 - January 1987)

A resolution was drafted to form an Exploratory Committee to study the possibility of consolidation. This committee would report back to the City of Sparta and the White County Commission with a recommendation on consolidation of the two governments. The Exploratory Committee would have no statutory power, but would serve as an advisory body. The exploratory committee would be useful in holding meetings and developing studies to prove that consolidated government would be as efficient and economical as previously described.

The resolution forming the Exploratory Committee was passed by the City of Sparta and the White County Commission in November, 1985. This resolution called for the appointment of 12 members, constituted as follows:

- a. Three County Commissioner to be selected from districts outside the city limits of Sparta
- b. Two members of the Board of Mayor and Aldermen

- c. One editor of a newspaper of general circulation in White County
- d. One member of the Board of Mayor and Aldermen in the Town of Doyle
- e. The seven members selected as described above would meet and select 5 additional members from among the voters of White County as follows; 1 business person, 1 industrialist, 1 educator, 1 attorney, and 1 hourly wage employee.

The resolution also called for the assistance from The University of Tennessee's MTAS and CTAS. A copy of the resolution may be found in the appendices.

The initial meeting of the Exploratory Study Group was held in December 1985. During this meeting the seven members appointed by the Mayor and County Executive selected the remaining five members as outlined in the resolution. Attending the meeting were consultants from CTAS and MTAS. A discussion on the role of the technical assistance agencies was given, and an explanation of the enabling resolution and legal authority of the committee was explained. A timetable to complete the study by July 1986 was set. Mr. Bill Floyd, White County Commissioner, was selected as the chairperson. Sub-committees were selected in the following areas:

- 1. Sanitation
- 2. Fire Protection
- 3. Health, Human Services and Recreation
- 4. Finance, Purchasing, Planning
- 5. Streets and Roads
- 6. Law Enforcement
- 7. Education
- 8. Executive and Legislative Functions
- 9. Judicial Functions

Each subcommittee would be made up of three to five members of the Exploratory Committee. Each of these subcommittees was charged with the task of obtaining as much information and input in their respective study areas, involving as

many citizens of White County as possible, and report back to the full Executive Committee with a recommendation as to the feasibility of metropolitan government. This Committee did not have the duty to write a charter, only to recommend if it would be feasible to form a Charter Commission. It would be the responsibility of the Metropolitan Charter Commission to develop a charter. During the next six months, each subcommittee met numerous times and called upon outside experts, community leaders, and local government employees, all in an effort to determine if metropolitan government would be feasible. Every Thursday night for the next six months, the Exploratory Group met in an attempt to meet the timetable for the final report and develop a final recommendation.

During the next few months, the Exploratory Committee was gaining attention through out the State of Tennessee due to its unique mission. (See appendices for newspaper articles). This attention was a result of the thoroughness of the Exploratory subcommittees' studies. Experts were called upon from Metro Nashville/Davidson County, the State of Tennessee, and The University of Tennessee to assist these groups in their report development.

The Exploratory Committee did not meet its six month deadline. This was due to a number of circumstances. However the final report with the recommendation to ask the White County Commission to establish a Metropolitan Charter Commission was unanimously agreed upon by the total Exploratory Group. The final report stated that the benefits of consolidated government relate to, (1) greater efficiency in policy making and operation execution, (2) increasing accountability of officials, (3) avoidance of conflict, competition and overlap, (4) greater continuity of government, (5) potential savings through combined purchasing, accounting and budgetary functions, (6) greater

utilization of existing assets, (7) reduced election cost, and (8) increased legislative flexibility with the ability to enact ordinance for the entire area without the necessity of cumbersome and time consuming private act legislation from the General Assembly of Tennessee. A copy of the final report may be found in the appendices.

In January 1987, the Exploratory Committee reported to the White County Commission its findings which recommended that a Metropolitan Charter Commission be formed. The White County Commission unanimously agreed, and at its next meeting. March 18, 1987, passed a resolution forming the Metropolitan Charter Commission. The City of Sparta, as required by state law, passed a similar resolution the following day. On March 31, 1987, the Metropolitan Charter Commission of Sparta/White County held its first meeting.

THE METROPOLITAN CHARTER COMMISSION

(March 1987 - April 1988)

As stated in the previous section, the White County Commission, and the Board of Mayor and Aldermen of the City of Sparta, each passed a resolution calling for the creation of a Metropolitan Charter Commission. (A copy of the resolution can be found in the appendices). As required by state law, the White County Commission appointed 10 members, and the City of Sparta appointed five members to the 15 member Metropolitan Government Charter Commission. State law also requires that a charter must be prepared and filed within nine (9) months of the initial meeting of the committee. Between 80 and 100 days after the filing of the charter the election shall be held and approval must come from both a majority of voters in the county and principal city.

The initial meeting of the Charter Commission was held on March 31, 1987. Nine months later, (January 1, 1988) the charter was to be completed and filed. The election requirement which states that a referendum must be held 80 to 100 days after the filing of the charter with the County Election Commission, lead the Commission to set an election date of March 8, 1988, "Super Tuesday." This date was selected to coincide with the state primary election, thus saving the expense of holding a separate election.

State law required the White County Commission to appropriate at least \$35,000 for expenses of the Charter Commission. Some of the budget considerations of the Commission included:

1. Legal Fees
2. Staffing
3. Printing and Copying Cost

4. Legal Publication Fees
 5. Public Information Programs
 6. Election Expenses
 7. Travel Expenses
- (see detailed budgetary explanation in the appendices)

First Meeting of the Metro Commission

The first meeting of the Metropolitan Charter Commission held on March 31, 1988, proved to be interesting. Many of the members were carry-overs from the Exploratory Committee, however many members were experiencing their first taste of metropolitan government. Advisors from The University of Tennessee's MTAS and CTAS were on hand to assist the Commission in its formation. A team building exercise was given to help "break the ice" and to allow for greater interaction among the members. These 15 people were going to have to work together as a team over the next few months in order to accomplish their mission. It was important to bring the "new" members into the metropolitan government process as soon as possible.

During the initial meeting of the Metropolitan Charter Commission, Mr. William M. Johnson was elected Chairman of the Commission. A target date of October 1, 1987, was set for the completion of the charter. Mr. Johnson urged the commission to "work not from a political standpoint but from a financial and organizational standpoint." Johnson suggested that 10 committees be formed to develop various aspects of a charter and that each commission member serve on at least two committees. Encouraging all Charter Commission members to "put themselves into this project," Johnson called the task, "a once in a lifetime deal for Sparta and White County."

The Committees formed during this initial meeting of the Charter Commission included:

1. Legislative Body and Political Districts
2. Streets and Roads

3. Executive and Departmental Organization
4. Fiscal Processes
5. Constitutional Officers except Sheriff
6. Law Enforcement
7. Education
8. Judicial
9. Other Government Functions and Personnel
10. Transition and Amendment

The Charter Commission was off and running to meet its deadline of October 1, 1987.

The following portions of this section, documenting the Sparta/White County Metropolitan Commission's trials and tribulations, are written by Mr. Ron Fults, Legal Specialist, of UT's County Technical Assistance Service. Mr. Fults spent many hours assisting the Charter Commission in its attempt to draft the charter. His accounts of the actions and experiences undertaken by the Charter Commission will provide valuable insight on the inner workings of the committee process. The issues that were discussed and debated throughout the life of the Charter Committee will be highlighted and explained.

The Board of County Commissioners at a regular meeting on March 18, 1987, passed a resolution accepting and approving the report of the joint study committee on consolidated government for the City of Sparta and White County and providing the county's approval for the formation of a metropolitan government charter commission pursuant to one of the optional procedures described in Tennessee Code Annotated, Title 7, Chapter 2. The vote was unanimous.

The county resolution appropriated thirty-five thousand dollars (\$35,000.00) from the general fund for the use of the charter commission as required by the general law. However, as reflected in the introductory clauses of the resolution, Mr. William M. (Bill) Johnson, a leading advocate of the consolidation movement, pledged to lead a private fund raising effort to defray any expenses over fifteen thousand dollars (\$15,000.00). This pledge reflected the desire of Mr. Johnson and others that the consolidation effort not be stymied by dissent over whether so much money should be appropriated when state law required that the full amount be appropriated. Of course, appropriation does not require that all of the money be spent, and in fact none was spent, with the appropriated sums reverting to the county general fund. Some of the budget considerations of the committee included legal fees, staffing, printing and copying costs, legal publication fees, public information programs, election expenses, and travel expenses. A detailed budgetary explanation is provided in the appendices.

The Board of Mayor and Aldermen of the City of Sparta followed the county's lead on March 19, 1987, when this Board passed by a unanimous vote a resolution similar to the county's resolution. The city's resolution did not have,

nor did state law require, the city to appropriate any funds for the charter commission. A copy of the county and city resolutions may be found in the appendices to this report.

II. Appointing and Confirming the Membership

The state law at T.C.A. § 7-2-101 gave the two presiding officers thirty (30) days from the time the last of the two resolutions passed to appoint members to the metropolitan government charter commission. Both county and city officers moved quickly after passage of the requisite resolutions to appoint members to the charter commission. The chairman of the White County Board of County Commissioners was Mr. Havern (Bo) Foster. Mr. Foster was a veteran member of the county commission and had been elected by the members of the county commission to chair the body following the 1986 general election. Mayor Robert (Bob) Breeding, as the presiding officer of the Board of Mayor and Aldermen, appointed the city's members to the charter commission.

Chairman Foster appointed the following members which were subsequently approved by the county commission:

1. William (Bill) Whiteaker, a farmer and member of the Board of County Commissioners.
2. Rickey Yates, a county commissioner and resident of the Town of Doyle.
3. William (Bill) Floyd, a county commissioner and chairman of the Sparta-White County Consolidated Government Study Committee.
4. Charles Curtiss, the county executive, and former businessman heading his own construction company.
5. Sandra Crouch, a White County teacher who had won the state's teacher of the year award in 1985.
6. Ken Broyles, office manager of the local farm bureau organization.
7. Tim Bumbalough, a county commissioner employed at a local factory.
8. William M. (Bill) Johnson, president of the First National Bank (later Dominion Bank) of Sparta, former city alderman, and Vice-

- Chairman of the Board of Trustees of the University of Tennessee.
9. Ruth Golden, a retired employee of the local federal Agricultural Stabilization and Conservation Service (ASCS) office and leader in local civic organizations.
 10. Havern (Bo) Foster, chairman of the Board of County Commissioners and a farmer.

Mayor Breeding appointed and received confirmation of the following members of the charter commission:

1. Gary Cunard, editor of the county's leading newspaper, the Sparta Expositor.
2. Tim Kentner, an alderman of the City of Sparta, and a manager at Wagner Electric Corporation.
3. Tom Ward, a local businessman dealing mostly with insurance, and a former county commissioner.
4. Freddie R. Maxwell, a postman and member of various civic organizations.
5. Robert W. (Bob) Brockman, personnel manager at Wagner Electric Corporation.

Mr. Bumbalough resigned from the charter commission shortly after it was formed. The charter commission, which the general law states will fill vacancies on the charter commission, chose Rick Flatt, a member of the school board and chairman of the White County Planning Commission who was a manager at Wagner Electric Corporation, to replace Mr. Bumbalough, at its first meeting on March 31, 1987. Mr. Flatt subsequently resigned and was replaced by Charles Gillen, a dairy farmer and one of the directors of the local Farmer's Co-Op. Mr. Gillen also served on the board of the O'Conner Utility District.

III. Organizing the Charter Commission

The state statutes on the formation of a metropolitan government require that a charter be prepared and filed within nine (9) months of the initial meeting

of the charter commission, unless an extension is granted by the county and city governing bodies. Between eighty (80) and one hundred (100) days after the filing of the charter, an election must be held and the charter will be approved only if it receives a majority of the votes in the principal city (Sparta) and in the area outside of the principal city.

The newly appointed members of the Sparta-White County Charter Commission met for the first time in the courtroom on the second floor of the White County courthouse in Sparta on March 31, 1987. The timing of the initial meeting was to place the time for the filing of the Charter on January 1, 1988. This would place the time for the election on the Charter eighty (80) to one hundred (100) days from the first of January and coincide with the "Super Tuesday" Presidential Primary of March 8, 1988. This timing would save the expense of a separate special election.

Many of the members of the charter commission were carry-overs from the Exploratory Committee, however many members were experiencing their first taste of metropolitan government. Advisors from The University of Tennessee's Municipal Technical Advisory Service (MTAS) and County Technical Assistance Service (CTAS) were on hand to assist the charter commission in its formation. A team building exercise was given to help "break the ice" and to allow for greater interaction among the members. As these fifteen people were going to have to work together as a team over several months in order to accomplish their mission, it was important to bring those new to the metropolitan government process into the process as soon as possible, and not allow those who had been involved in the Exploratory Committee to dominate the sessions.

The county executive, Charles Curtiss, served as temporary chairman at the initial meeting. William (Bill) Johnson was elected chairman of the charter commission, William (Bill) Floyd was elected vice-chairman, and Gary Cunard was elected secretary, all by unanimous voice vote.

Chairman Bill Johnson, after discussing the role that the University of Tennessee's Institute for Public Service played in assisting the Sparta-White County consolidated government study committee, recommended that the charter commission seek the aid of the University in performing its tasks. The charter commission agreed. Advisors from The University of Tennessee were invited by Mr. Johnson to this initial meeting, and subsequently Thomas Ballard, Executive Director of the Institute for Public Service of The University of Tennessee was contacted and arrangements for services to the charter commission were made. Mr. Ballard took a personal interest in this project as a model for other consolidation efforts and attended some of the meetings of the charter commission. Further, Joe Muscatello, one of the authors of this report and assistant to the Director of the Institute for Public Service (IPS), was assigned as the coordinator of the assistance to be given by IPS to the charter commission. Early on, IPS assistance was provided by Billy C. Rodgers, Senior County Field Advisor for the County Technical Assistance Service (CTAS) and chairman of the county commission in Putnam County; Jim Finane, Financial Consultant for the Municipal Technical Advisory Service (MTAS); Tom Brant, Municipal Consultant for MTAS; Ron Fults, one of the authors of this report and a Legal Specialist (lawyer) for CTAS; and Joe Muscatello.

At the initial meeting, Chairman Johnson set a target date of October 1, 1987 for completion of the Charter. He urged the members of the charter commission to "work not from a political standpoint but from a financial and organizational standpoint."

The charter commission decided to organize itself into ten (10) committees to study and make recommendations on various aspects of consolidation. Each member was to serve on at least two (2) committees. Encouraging all charter commission members to "put themselves into this project", Johnson called the task "a once in a lifetime deal for Sparta and White County." The committees, their chairpersons, and other members were as follows:

1. Legislative Body and Districts -- Rickey Yates, chairman, Havern "Bo" Foster, Freddie Maxwell.
2. Executive and Departmental Organization -- Tim Kentner, chairman, Gary Cunard, Charles Curtiss, Havern "Bo" Foster, Bill Johnson.
3. Fiscal Processes -- Ken Broyles, chairman, Gary Cunard, Charles Curtiss, Bill Floyd, Bill Johnson.
4. Constitutional Officers except Sheriff -- Tim Kentner, chairman, Ruth Golden. The following local attorneys assisted this committee: Denny Bennett, Gary Dodson, and Lynn Haston.
5. Law Enforcement and Sheriff -- Bill Floyd, chairman, Tom Ward, Bill Whiteaker.
6. Streets and Roads -- Bob Brockman, chairman, Tom Ward, Bill Whiteaker.
7. Education -- Sandra Crouch, chairwoman, Rick Flatt, Bill Floyd, Ruth Golden, Freddie Maxwell.
8. Judicial -- Ruth Golden, chairwoman. The following local attorneys assisted Ms. Golden: Denny Bennett, Gary Dodson, and Lynn Haston.
9. Other Government Functions and Employees -- Rick Flatt, chairman, Bob Brockman, Sandra Crouch, Freddie Maxwell, Tom Ward.
10. Other Government Organizations, Transition, and Charter Amendment -- Charles Curtiss, chairman, Ken Broyles, Tim Kentner, Rickey Yates.

The charter commission was off and running to meet its deadline of October 1, 1988. The following portions of this section will outline the trials and tribulations of the charter commission as it developed a charter to be voted upon

by the citizenry of White County. The issues that were discussed and debated over the months following the initial meeting will be highlighted and explained.

IV. Key Issues Considered By the Committees

a. Legislative Body and Districts

The committee on the legislative body and districts dealt with issues that would have substantive effect and which would have an impact upon the perception of the new government by the people. One of the first issues dealt with perception: what to name the consolidated or metropolitan government. The early committee discussions did not form a consensus on what to call the new government, but did view the word "metropolitan" as connoting a large urban community and that such a name would not be appropriate for a small town and rural community. This committee did think that the legislative body should be called the White County Legislative Commission. The committee was unanimous in its view that a minimum of change should occur in regard to adapting to the new system of government. Since the White County Board of County Commissioners, commonly called county commission or county legislative body, represented all of the citizens of White County, and since the new legislative body would represent these same citizens, the committee quickly came to the position that the new legislative body should closely resemble the county commission. Therefore, the committee recommended that the

number of districts (seven), number of members elected from each district (two), and length of term (four years) should remain the same as with the county legislative body.

The qualifications of a legislative commissioner were recommended to be as follows: (1) a citizen of the United States with one (1) year residency in White County prior to the qualifying deadline; (2) a resident within the district from which election is sought for six (6) months prior to the qualifying deadline, and continuous residence within the district during the term of office; (3) age of twenty-one (21) years at the time of taking the oath of office; and (4) shall not serve in another elected office while serving as a legislative commissioner.

A lively discussion ensued regarding the method of selection, role, and powers of the presiding officer of the proposed legislative commission. Many possibilities were considered by the committee: (1) having a chairman elected from among the members; (2) having the executive chair the legislative commission; and (3) having a chairman elected at-large. The last alternative was chosen for a variety of reasons. The committee thought that the chief executive should not dominate the legislative commission and that to help prevent this from occurring, the county executive should not occupy the chair. However, the committee thought that a presiding officer elected at-large would best represent the people as a whole if the presiding officer needed to become acting executive in the event of the incapacity of the chief executive, and that the at-large elected chairman would tend to be independent and show less favoritism toward a

particular area than a chairman elected by the members. This committee desired to prevent any person from developing a "lock" on power, or a machine. To this end, the committee recommended that no person serving in another county-wide elective office should be eligible to seek the at-large commissioner (chairman) post until said person had not held a county-wide elected position for a period of four years. The commission recommended that the presiding officer should only vote in the case of a tie vote, and would serve in the absence of the county executive at official functions, ceremonial events, and other functions as prescribed by the legislative commission. This committee also recommended that a vice-chairman of the legislative commission be selected from within the commission membership and serve as the presiding officer in the absence of the at-large elected chairman.

The committee also dealt with other procedural and administrative issues. For example, the committee recommended that the county clerk continue the role as in county government as the clerk to the legislative body, to be called the legislative commission. Procedurally, the committee urged the charter commission to include in the charter a quorum requirement of a majority of the members of the legislative commission. The committee urged that all vacancies on the legislative commission be filled as are vacancies on the county legislative body, that is, by election of the legislative commission for the remainder of the unexpired term or until a successor is elected. If more than two (2) years remain in the unexpired term, then an election will be held at the time of the next regular election

to fill the unexpired term and such person will then succeed the person elected by the legislative commission.

The legislative commission should hold regular meetings at least monthly according to the committee. Special meetings were recommended to be held at the call of the executive or by a majority of the members of the legislative commission, with at least forty-eight (48) hours notice to the members and to the public, except in extreme emergencies.

Official action of the legislative commission was viewed by the committee to require resolutions or ordinances, with at least two (2) separate readings at two (2) regular meetings required for passage, with the exception that the legislative commission, by two-thirds (2/3) vote could proceed to a second reading immediately after the first reading except in matters pertaining to taxation and land use regulation.

Generally, the power of the legislative commission as recommended by the committee, should be broad, including the power to set budgets, levy taxes, and conduct investigations, all according to the charter and the general law. The legislative commission would exercise virtually all of the legislative power of the consolidated government, exercising the powers of a city as well as those of a county.

The general law requires that a three (3) member urban council be established that has as its sole duty the levying of a property tax for the urban services district at such a rate that with other revenues allocated to the urban services district will finance the budget adopted by the metropolitan council (here legislative commission). The committee

recommended that the legislative commission elect these three members from its membership that reside within the urban services district. The terms of office for the members of the urban council would be identical to their terms as legislative commissioners.

b. Executive and Departmental Organization

The committee on executive and departmental organization desired to create a reasonably strong chief executive officer. To emphasize continuity and to reflect the fact that the office deals with the entire county, it was recommended by this committee that the title of the chief executive officer of the consolidated government should be county executive. The committee desired that the county executive be popularly elected for a term of four (4) years, but be limited to three (3) consecutive terms of office. The qualifications advanced were that the county executive attain the age of twenty-five (25) years of age at the time of the election, and be a permanent resident of White County for three (3) years prior to election. The salary of the county executive was recommended to be set annually by the legislative commission, but not below the minimum salary received by county executives in counties of the same population class as White County.

The committee on the executive agreed with the committee on the legislative body that the county executive should not preside at meetings of the legislative commission. However, the committee on the executive did recommend that the county executive should be empowered to call a

special meeting of the legislative commission at any time. Also, this committee wished to require that the county executive attend the majority of all legislative commission meetings.

The county executive should have veto power over ordinances and resolutions of the legislative commission subject to an override by a two-thirds (2/3) majority of the legislative commission, in the view of the committee, but not line item veto, the veto to apply to the ordinance or resolution in its entirety.

The committee wished that the legislative commission would have power to establish departments in addition to those required by the charter or the general law. According to the committee's views, the department heads of the departments not headed by elected officers should be appointed by the county executive subject to confirmation by the legislative commission. Further, the committee held that the county executive should be able to dismiss department heads without the approval of the legislative commission, but that this dismissal should be in accordance with all applicable personnel procedures.

In an interesting departure from the view of the committee on the legislative body, the committee on the executive recommended that if a vacancy occurs in the office of the county executive, the vice-chairman, not the chairman, of the legislative commission should assume the duties of the county executive and serve the balance of the term unless there is more than twelve (12) months remaining in the term, whereupon a special election would be held to fill the vacancy.

The committee stated that the county executive should be an ex-officio member of only those boards, commissions, and committees to which he/she appoints members.

c. **Fiscal Process**

The committee on fiscal process made numerous recommendations concerning budgeting, accounting, purchasing, auditing, borrowing, and property administration. The committee recommended that most of the functions noted above should be centralized in a department of finance headed by a director. The committee advised that the director of finance should be selected by the county executive subject to confirmation by the legislative commission and serve at the pleasure of the county executive and until a successor is qualified. Numerous duties for the director of finance were listed by the committee. Among the most important was the compilation of a budget from the requests of the various departments and agencies of the government, maintaining an accounting system, pre-audit all claims or demands for funds prior to payment, formulation of an investment program, and purchasing (with the aid of a purchasing agent) which would be established as a separate division of the department. Also, the finance department would have a division of property administration under the committee's plan.

The committee advocated that the director of finance be empowered to revise the operating budget requests of the various departments and agencies prior to submittal of this budget to the county

executive, but the heads of the various departments, offices, and agencies would be entitled to a hearing if revision of their requests and estimates were contemplated. The county executive could further revise the budget prior to its submittal to the legislative commission not later than May 25 of each year.

There would be an operating budget and a capital outlay budget under the committee's scheme. Further, these budgets would be divided into a Section 1 for the general services district and a Section 2 for the urban services district. The planning commission would prepare the capital outlay budget for the review of the director of finance and the county executive who could revise it prior to submittal to the legislative commission. All of the budgets were urged to be completed by June 30 of each year and that the fiscal year begin on July 1.

The committee advised that the county executive should have the authority to impound appropriations as necessary to prevent a deficit operation. The budget and finance committee of the legislative commission, upon the recommendation of the county executive, should have the authority to transfer the unencumbered balance of any appropriation for another purpose or activity within the same department, according to the committee.

The committee advocated that a general fund reserve and an advanced planning fund be established. The reserve fund would be funded with five percent (5%) of the gross amount of the general fund revenue of the general services district. The advance planning fund, to be maintained

at fifty-thousand dollars (\$50,000) or more, would be used by the planning commission to make advance plans for capital projects.

The committee urged that short term debt obligations, those with a maturity of one year or less, be allowed by majority vote of the legislative commission, but that long-term debt (bonds) should only be issued after receiving a two-thirds (2/3) majority of the legislative commissioners. Unless the legislative commission acts under a general law requiring a referendum, bond issuances would not require referendum approval according to the committee's recommendation. The committee held that the proceeds and payment of all debt issues would be allocated to the services district for which the proceeds are intended as specified by the legislative commission. Also, the committee advocated allowing a portion of the proceeds of a bond issue to fund a reserve for maintenance or replacement of any improvement constructed with the proceeds of the bond issue.

d. Constitutional Offices except Sheriff

The committee, considering all of the constitutional officers except the Sheriff, recognized that as constitutional offices, they must be maintained in some fashion, but that the Charter could vary the duties from those prescribed by the general law. Included in the list of constitutional offices considered by the committee was the county clerk, county trustee, register of deeds, circuit court clerk, and clerk and master. The committee recommended that the term of office, qualifications, and

duties of these offices should remain as under the general law, except that the county trustee should be assigned the duty of collecting all property taxes, and that the county clerk should be responsible for the preparation, maintenance, and preservation of all official minutes of meetings of the legislative body. Also, the committee advised that the circuit court clerk should be assigned additional duties involved in the jurisdiction added to the general sessions court.

This committee did not make any recommendation regarding the constitutional office of assessor of property, but the committee on fiscal process recommended that this office continue essentially unchanged except for additional duties regarding merchant's ad valorem assessments. Also, the assessor was to provide separate assessments for the urban and general services districts.

e. Law Enforcement and Sheriff

The committee on law enforcement and the sheriff advanced a unique response to the question of whether the sheriff should exercise all of the law enforcement powers of the metropolitan government or whether the sheriff's role should be reduced to that of a jailer and civil process server. The committee advocated allowing the sheriff to exercise law enforcement powers unless and until these powers were removed in a referendum on this issue. A referendum could be called by petition signed by qualified voters equal in number to at least ten percent (10%) of the votes cast at the last regular election for sheriff, or by a two-thirds (2/3)

vote of the legislative commission. If the sheriff's law enforcement powers were removed by a referendum, then the sheriff, as a constitutional officer, would remain in office but be limited to the service of civil process and acting as jailer. The committee advised that in the event of a recall of the sheriff's law enforcement duties, the legislative commission would appoint a chief of police to act as the chief law enforcement officer of the metropolitan government until the next sheriff is elected.

All law enforcement personnel and jail staff would be selected by the consolidated government's personnel director according to the committee's recommendations. The personnel would be selected and promoted according to established qualifications and standards and compensated at a rate established under rules and regulations. The committee urged that these rules and regulations provide for employment, experience, training, promotion, and incentives. The personnel department would be responsible for retaining, demoting, or terminating such personnel, but the Sheriff or his successor would have authority to suspend any officer for cause, with or without pay, and bring charges or complaints against an officer to the personnel department. Under the committee's proposal the personnel department would investigate the charges and take appropriate action.

f. Streets and Roads

The committee recommended that streets and roads should be part of a larger department of the metropolitan government that could be

called "public works." A department of public works could encompass streets and roads, waste disposal, centralized vehicle maintenance, centralized building maintenance, utilities, and other designated functions. In order to better address these issues, the committee recommended that it be merged with the committee on other government functions and employees.

Within a department of public works, a foreman type of employee could report to the director of public works in the view of the committee. The committee advised that road acceptance should be through interaction with the planning commission. The committee advocated a person skilled in management and engineering to head a public works department.

g. Education

The committee on education advocated that a minimum of change should occur in the transition from a county to a metropolitan school system as only one school system, the county school system, exists in White County. The superintendent of education would continue to be elected by the qualified voters of the county and a seven (7) member board of education would continue to be elected from seven (7) districts identical with the county legislative commissioner districts. The terms of office for the superintendent and for members of the board of education would remain at four (4) and six (6) years, respectively, under the committee's view. The committee advised that the qualifications and duties of the

superintendent and the board should be similar to the general law for county school departments.

The committee on education further recommended that any person who had acquired tenure as a teacher in the county school system would retain all tenure rights under the consolidated government. Further, the committee urged that all rights and benefits which any person had acquired under a pension plan for the benefit of teachers and non-teaching employees of the school system be preserved and continued.

h. Judicial

The judicial committee advocated the merger of the City Court of Sparta with the General Sessions Court of White County. The recommended title for this court was the General Sessions Court of Sparta and White County, Tennessee. The committee did not address the fact that the general sessions court serving White County also served Van Buren County.

The committee recommended that the circuit court clerk administer all clerking duties for the proposed General Sessions Court of Sparta and White County. The term and qualifications of the judge of the General Sessions Court of Sparta and White County would remain as for the judge of the General Sessions Court of White County under the committee's proposal.

i. Other Government Functions and Employees

The committee on other government functions and employees addressed several topics, including planning, electric service, sewer service, water service, fire protection, ambulance service, and public works. This committee also made recommendations concerning the various boards and commissions that may be continued under consolidated government. The committee would allow the legislative commission to have the authority to create boards or commissions as needed. Such boards or commissions would have members nominated by the county executive and approved by the legislative commission for staggered four (4) year terms. The committee made specific recommendations regarding a proposed metropolitan planning commission. The committee thought that the planning commission should consist of nine (9) members. Seven (7) members would be appointed by the county executive and subject to confirmation by the legislative commission, with two (2) of this number selected from the urban services district, and five (5) selected from outside of the urban services district. The legislative commission would select one of its members to serve on the planning commission, and the county executive or his or her designated representative would constitute the remaining members. The seven (7) appointed members would serve staggered terms of four (4) years after some initial terms of shorter duration to establish staggering. The committee advised that the planning commission should select its own chairman and vice-chairman from among its appointive members. The committee wished to endow the planning

commission with all of the duties and authority of municipal and regional planning commissions under the general law.

The committee advocated a system whereby the planning commission, after adopting a master or general plan of the area of the consolidated government, would review proposals for new streets, building construction, and public utilities prior to construction. Under the committee's scheme, in the case of disapproval of proposed construction, the legislative commission would have the authority to overrule the planning commission.

The committee proposed that the legislative commission adopt ordinances providing zoning regulations (including historic zoning) submitted by the planning commission. The committee also advised in favor of establishing a board of zoning appeals.

The Sparta Electric System and Sparta Water and Sewer Department was viewed by the committee as activities that should be governed by an Urban Services Board. The committee also recommended that all of the payments in lieu of taxes received on behalf of the utilities should be allocated to the urban services district and used to defray the cost of street lighting. The committee urged the full charter commission to limit the water rates for individuals (exclusive of utility districts) outside the urban services district so that these rates could not be increased by a greater percentage than the rates inside the urban services district.

The committee advocated that a fire department be established for the consolidated government with the citizens of the urban services district

receiving the greatest protection. The committee advised that the general services district outside of the urban services district continue to receive a lesser degree of protection based on the volunteer system. The greater fire protection for the urban services district would be reflected as an additional expenditure for the urban services district and burden on its tax base. The chief of the consolidated fire department would have responsibility over all fire departments in the county (except Doyle's if this town does not join the consolidated government). The committee suggested as an option that the fire department could possibly come under the responsibility of the director of public works. The committee also recommended that the ambulance service become a part of the department of public works and should be combined with the fire department to form an emergency services organization. The chief or administrator of the emergency services organization would be the fire chief and would report to the director of public works under the committee's view.

The committee advocated the establishment of a department of public works with divisions as established by ordinance and headed by a director selected by the county executive and approved by the legislative commission. Under the committee's view, the department of public works would be responsible for the design, construction, maintenance, repair, and cleaning of roads, streets, alleys, storm sewers, bridges, viaducts, and related structures under the control of the consolidated government. The department of public works would also be responsible for the collection

and disposal of garbage and refuse, the maintenance and operation of facilities for the disposal of garbage and refuse, and the regulation of any private operators performing services for the consolidated government under contract. Additionally, the committee would allow the legislative commission to place building and vehicle maintenance and other functions in the public works department.

The committee recommended that the county executive act as the personnel director. The duties and authority of the personnel director would be addressed by ordinance of the legislative commission under the committee's advice.

j. **Other Government Organizations, Transition, and Amendment**

The committee on other governmental organizations, transition, and amendment concentrated its effort on transition. As the Town of Doyle did not send a representative to the charter commission to draw an appendix for the town to be incorporated into the consolidated government, the town would maintain its charter if consolidated government was adopted. The utility districts in the county were considered by other committees.

The committee operated upon the assumption that the vote on consolidation would occur in March 1988 in conjunction with the presidential primary. Only after lengthy review of the draft charter by the entire charter commission did this date cease to be feasible. The committee on the legislative body and districts first addressed transition

issues and recommended that the first at-large commissioner (chairman) be elected in the August 1988 general election and serve until 1990, and that thereafter the office would be filled for a full four (4) year term at the August general election. The committee on legislative body and districts advocated having the county legislative body serve as the legislative commission of the consolidated government until 1990, with successors elected at the August general election. However, the committee dealing with the transition recommended a special election to elect legislative commissioners. All fifteen (15) seats would be subject to the election and the voters in each district would vote for two (2) persons for district commissioner and one (1) person for at-large commissioner. The committee report indicated that the two (2) persons receiving the greatest number of votes in each district would be elected rather than designating separate seats for election within each district. Neither the committee on transition nor the committee on the executive and departmental organization addressed the question of when the county executive should take office or whether the existing county executive should continue in office until the expiration of his term as the executive for the consolidated government. This decision was left to the full commission without a committee recommendation.

The committee recommended that the Charter take effect on July 1, 1988. Likewise, the fiscal year for the consolidated government would begin on July 1, 1988, with carryover of the county and city budgets as the general and urban services district budgets, respectively. All ordinances of

the City of Sparta (including zoning regulations) and resolutions of the county legislative body would remain in effect until changed by the legislative commission, unless in conflict with the Charter. Similarly, any debts or other obligations of the city or county after the formation of the consolidated government would be paid from the urban services budget if a city debt or from the general services budget if a county debt.

Employees of the city and county would continue during the transition as employees of the consolidated government with assignments to the most appropriate department or agency of the consolidated government. The committee advised that the director of Sparta's department of water, electric, and sewerage services be designated in the Charter as the initial director of the consolidated government's department by this name and function. Similarly, the committee recommended that the chief of the fire department of the City of Sparta become the director of fire and emergency services of the consolidated government. The county highway department would become a division of the public works department under the committee's advice. The superintendent of the county highway department would become the director of public works for the remainder of the unexpired term of office as superintendent under this plan, and the head of Sparta's street department would head a division under the director of public works with responsibility for the streets in the urban services district.

The committee held the view that amendments to the Charter could be proposed by a two-thirds (2/3) vote of the legislative commission or by

petition of twenty percent (20%) of the qualified voters of White County. Also, the committee proposed to limit the number of resolutions of the legislative commission calling for amendment(s) to the Charter to no more than one resolution every two (2) years. Similarly, the committee asked to restrict the number of petitions calling for amendment(s) to no more than once every two (2) years. Also, it was urged that the legislative commission not have the authority to redistrict voting districts unless done to equalize populations in each district or to change the number of such districts (which would require an amendment to the Charter).

The committee advised the charter commission that the legislative commission should be authorized to establish a charter revision commission to hold hearings and make recommendations to the legislative commission with respect to charter amendments.

V. Drafting and Line by Line Consideration by Full Commission

a. Converting Committee Reports Into Legal Language

The committee reports, the most important points of which are summarized above, were converted into a first draft charter upon request of the charter commission chairman, Bill Johnson, by Ron Fults, legal specialist (lawyer) for CTAS as noted earlier. Although the committee reports were somewhat inconsistent, the chairman believed that enough common ground was already established to proceed to an article by article consideration.

The full charter commission began an exhaustive consideration of all of the issues and recommendations of the committees in the summer of 1987. The charter commission met regularly on Thursday afternoon of almost every week during the summer and autumn of 1987.

The charter commission accepted the majority of the positions taken by the various committees, but not without a complete examination of each issue. Further, in addition to reaching agreement on the issues addressed by the committees and placing the reports into a legal format, the charter commission faced the task of adding important details and also some significant provisions not addressed by the committees.

The decision of what to call the new government was not resolved until toward the end of the entire charter commission process in 1988. The word "metropolitan" was disliked as noted earlier because of its urban connotation. The word "consolidated" was preferred over "metropolitan," but this word was not considered the optimum. Finally, the word "unified" was accepted as the best. So the Charter proposed that the new consolidated (language used in the Tennessee Constitution) or metropolitan (language used in the statutes) government be called the "Unified Government of Sparta and White County." As the words "consolidated" and "metropolitan" have the same meaning, they will continue to be used interchangeably with the word "unified" in this report.

b. Adopting, Modifying, or Rejecting Committee Positions

The charter commission agreed with the committee on the legislative body and districts on almost all major points in the committee report. The charter commission did not agree with the committee's view that the county legislative body should continue as the legislative commission of the consolidated government until elections in 1990 were held. The charter commission provided that all legislative commissioners would be elected at a special election in conjunction with the November, 1988 general election, and would serve until December 1, 1992. The charter commission provided that in November 1992 and every four (4) years thereafter, the members of the legislative commission would be elected for full four (4) year terms.

The charter commission spent a great deal of time carefully reviewing the proposals regarding procedures for the legislative commission. The recommendations of the committee on this subject were generally followed, but the full commission added much detail. One example of their care is found in Article 2, Section 8(c) dealing with determining the majority required to pass ordinances and resolutions. The charter commission provided that unless specifically provided otherwise in the charter, any motion, ordinance, or resolution must receive the votes of a majority of the serving members (including the at-large member) and not a majority of the quorum nor a majority of the authorized membership, in order to be approved. The at-large member serving as chairman would be

counted for purposes of determining a majority, but would not vote except in the event of a tie vote or in instances where the vote of the chairman could create a majority.

The charter commission accepted the committee view that ordinances should require affirmative votes at two (2) regular meetings unless a two-thirds (2/3) majority voted to suspend the requirement of readings at two (2) separate regular meetings. Matters relating to taxation, zoning, land use regulation, and district boundaries were excepted from the option to suspend the two separate meetings rule. However, the charter commission would not apply this scheme to resolutions as the committee recommended, but decided that these instruments could be adopted after a single reading. This position led the charter commission to provide in the charter a distinction between the matters that could be adopted by ordinance and those that could be passed by resolution. Ordinances were defined in Article 2, Section 9 of the Charter as adopted written measures that are of a general, permanent, and/or penal nature; and resolutions were defined as adopted written measures that are of a temporary character dealing with ministerial, administrative, or executive matters. The charter commission revised the recommendation of the committee regarding the composition of the three (3) member urban council to require that the urban council consist of the legislative commissioners from the urban services district that receive the most votes, instead of having the legislative commission elect the three (3) members from the members of the legislative commission that reside in the urban services district. The

legislative commission and the urban council are dealt with in Article 2 of the Charter.

The charter commission resolved the conflicting views of the committees dealing with the legislative body and the executive, respectively, dealing with incapacity in the office of county executive. The full commission's resolution gave the at-large member serving as chairman of the legislative commission the authority to serve as acting county executive during the absence of the county executive as prescribed by ordinance of the legislative commission. Further, if a vacancy occurs in the office of county executive, the chairman would become the county executive and serve for the balance of the term unless more than twelve (12) months remain in the term, whereupon a special election would be held.

Although the vice-chairman of the legislative commission (one of the district commissioners elected annually by the legislative commission) would serve as chairman of the legislative commission during the absence of the chairman, the charter commission decided that in the event of a chairman becoming county executive because of a vacancy in the office of county executive, the chairman would continue to be the chairman of the legislative commission and would thereby serve in a dual capacity and not vacate his or her seat as the at-large legislative commissioner.

The charter commission agreed with the committee on the executive that the chief executive officer of the consolidated government should be entitled county executive, and be elected by the qualified voters of the

county to a term of four (4) years. The full commission also agreed that the consecutive terms that could be served by one person should be limited. The limiting formula adopted by the charter commission was that no person could be elected by the voters of the consolidated government to the office of county executive of the unified government for a full four (4) year term more than three (3) times in succession. The committee's age qualification for the county executive of twenty-five (25) years was reduced by the charter commission to twenty-one (21) years. The full commission retained the committee's recommendation of the qualifications of United States citizenship and three (3) years of residency in White County immediately prior to election for the office of county executive. The charter commission also agreed with the committee on the executive that the county executive should have the authority to call special meetings of the legislative commission at any time that in his or her opinion circumstances require it. Also, the committee's views on compensation and veto power of the county executive over ordinances and resolutions subject to an override by a two-thirds (2/3) vote of the serving members of the legislative commission were adopted by the charter commission. Additionally, the charter commission agreed with the committee that the legislative commission should have power to establish departments and agencies in addition to those required by the Charter.

The charter commission followed the committee's position that the county executive should appoint ("nominate" as used in the Charter) department heads of departments not required to be elected by the voters,

subject to confirmation by the legislative commission. The committee view that department heads so selected by the county executive would be subject to dismissal without the concurrence of the legislative commission was adopted, except for the director of finance, who could not be dismissed without the agreement of the legislative commission. The charter commission also provided that the legislative commission could establish qualifications for department heads if these were not in conflict with the Charter or the state Constitution.

The charter commission agreed with the committee that the county executive should serve as an ex-officio member of only those boards, commissions, and committees to which he/she appoints members. The committee's view that a county executive be required to attend a majority of the legislative commission meetings was also agreed to by the charter commission. Article 3 of the Charter is devoted to the County Executive, but the office is referred to in other articles as well.

The charter commission accepted the position of both the committee on the executive and the committee on the fiscal process that the county executive should be the chief fiscal agent for the unified government and should be the person to submit a recommended operating and capital budget for both the general services and urban services district to the legislative commission. A department of finance headed by a director of finance, as noted earlier, would assist the county executive in this area of responsibility. The charter commission generally agreed with the fiscal process committee's proposals in this subject area and spent a

great deal of time refining the committee proposals and adding the detail necessary to clarify the processes required. The final product as adopted by the charter commission is in the Charter's Articles 9 (Department of Finance), 10 (Budgets and Financial Matters) and 11 (Borrowing Authority).

In adding detail to the committee proposals in the area of fiscal process and financial management, the charter commission specified that the legislative commission establish a budget and finance committee from among its membership with the number of members to be determined by the legislative commission, but the Charter would require that at least one (1) member of this important committee would be a resident of the urban services district. Further, the county executive was to be an ex-officio member of the budget and finance committee.

The report of the committee on constitutional officers except the sheriff was accepted by the charter commission and with revision became Article 15 of the Charter. These revisions included a provision that the legislative commission could, by ordinance, require the trustee to collect all revenue due the consolidated government, except for privilege taxes relating to motor vehicles. Similarly, the charter commission provided that the county clerk's tax collection duties could be transferred to the county trustee except those relating to motor vehicles. Also, the charter commission specified in the proposed Charter that the clerk of the circuit court also serve as the clerk of the general sessions court, juvenile court and such other courts of county-wide jurisdiction as may be established,

with the exception of chancery court. The clerk and master would, of course, continue as the clerk of the chancery court which would include duties relating to the probate of wills and administration of estates.

The novel ideas of the committee on law enforcement and sheriff regarding the recall of the sheriff's law enforcement duties were adopted by the charter commission. Much soul searching was done by the commission members in reviewing this committee report. Although some members thought that the sheriff should not have law enforcement powers, the general feeling was that the people in the rural areas would not want to go to an appointed chief of police unless the sheriff was guilty of wrongdoing or clearly mismanaging the office. The recall provisions and the separation of law enforcement personnel from those of the sheriff's office can be seen as an attempt to reach a prudent compromise position. The charter commission refined the committee's report by establishing two (2) district departments, an office of sheriff to serve civil process and control the jail and/or workhouse, and a separate law enforcement (police) department to exercise police powers. The sheriff, as a constitutional officer, would head the office of sheriff, and would also head the police department as its director unless this duty was recalled by a referendum vote, whereupon the sheriff would only head the sheriff's office until the next term for sheriff began. For the time between a recall and a new term, the county executive would appoint a chief of police to serve as director of the law enforcement department.

Under the commission's revisions, the personnel of the sheriff's office and police department would be kept distinct at all times. As head of the office of sheriff, the sheriff would employ deputies and assistants as provided in the general law. The personnel director would send to the sheriff a list of all qualified candidates from which the sheriff would select deputies and assistants. The personnel of the police department, their selection, promotion, demotion, or termination would be by the consolidated governments' personnel director or personnel committee according to procedures established by ordinance. The standards and qualifications of police officers would be established by ordinance, but not less than the general law standards. The compensation of law enforcement personnel would be established for rank, duties, and assignment under ordinance or regulations made pursuant thereto. The director of law enforcement, whether the sheriff or a chief of police, could suspend an officer for good cause, and bring charges for discipline or termination to the personnel department. In these matters the charter commission closely followed the recommendations of the committee that studied this subject. The product of their work is found in Article 4 of the Charter.

The charter commission accepted the view of the committee on streets and roads that streets and roads be a part of a larger department of public works. As finally decided by the charter commission the department of public works would be responsible for construction, maintenance, and repair of streets, roads, bridges, storm sewers, sanitary sewers, and related structures. The department would also be responsible

for garbage collection and disposal, and the maintenance and operation of garbage disposal facilities, and the regulation of any private operators performing services to the unified government under contract. The charter commission also decided that the legislative commission could by ordinance assign other functions to the public works department.

The charter commission decided that the department of public works would be headed by a director selected under the standard process for non-elected department heads, except for the initial director during the transition period who would be the superintendent of the county's highway department. The Charter deals with the public works department in its Article 5.

The major provisions of the recommendation of the committee on education was incorporated by the charter commission into Article 6 of the Charter. The charter commission was interested in improving the quality of the school board if possible. To this end the charter commission added a provision that the county legislative commission could, by ordinance, require board members elected after the adoption of the ordinance to attend training workshops and seminars designed to enhance the ability of board members to carry out their duties properly. Further, the charter commission added a provision to allow the legislative commission, by ordinance, to provide additional qualifications for school board members if the general law qualifications for county school board members were raised.

The charter commission thought that an appointed superintendent of education would probably be more qualified than an elected superintendent, but that the public probably still wished to elect the superintendent. As a reflection of these views, the charter commission added a provision (Article 6, Section 6 (f)) that would permit the legislative commission, by ordinance, to select a superintendent of education by a method other than popular vote if the state law regarding the superintendent of education for county systems requires that county superintendents be selected by a method other than popular election.

The judicial committee's recommendation that the City Court of Sparta merge with the general sessions court was accepted by the charter commission. Since the general sessions court serving White County also serves Van Buren County under special legislation, the charter commission only modified the Greater General Sessions Court of White and Van Buren Counties with respect to its exercise of jurisdiction in White County. The judge of this court would continue to be elected by the voters of both counties under the charter commission's position embodied in Article 14 of the Charter. The charter commission made provision for an additional general sessions judge(s) for White County to be established as needed by ordinance of the legislative commission. The qualifications of the additional judge(s) of the general sessions court would be as specified by the general law.

The charter commission also provided for the office of judicial commissioner to be continued and for the legislative commission to have

authority to appoint as many judicial commissioners as that body deems appropriate.

As noted earlier in this report, the committee on other government functions and employees made numerous recommendations. The committee's recommendation regarding the planning commission was adopted with some modifications and became Article 12 of the Charter. The charter commission specified that all rules and regulations adopted by the planning commission would not become effective until approved by resolution of the legislative commission.

The charter commission did not agree with the committee's view that the activities of the Sparta Electric System and the Sparta Water and Sewer Department be placed under an Urban Services Board. Instead, a department of electric, water, and sewerage services headed by a director selected by the county executive and subject to confirmation by the legislative commission was approved by the charter commission. However, the initial director of this department to serve during the transition period was to be the director of these services for the City of Sparta on the effective date of the Charter. Out of concern for the interests of the urban area, the charter commission provided for a utility rate committee made up of members of the legislative commission from areas receiving services from this department to recommend rates to be set by the legislative commission. Also, the charter commission agreed with the committee and specified that the water rates for non-utility district users outside the urban services district would not be increased by a greater percentage than those

inside the urban services district. The final product dealing with utilities is found in Article 7 of the Charter.

The recommendation of the committee on other governmental functions and employees that payments in lieu of taxes received on behalf of the utilities be allocated to the urban services district and used to defray the cost of street lighting, was revised to a requirement found in Article 10, Section 7 of the Charter that municipal tax equivalent (in lieu of tax) payments received by the unified government be allocated to the general fund of the urban services district. The full charter commission thought that the legislative commission should have discretion to use these funds for street lighting or any other general fund expense of the urban services district.

The charter commission did not fully accept the views of the committee on other governmental functions with regard to fire protection services. The committee considered placing fire protection within the public works department. The charter commission decided to establish a department of fire and emergency services. This department would be responsible for fire protection in both the urban and general services district outside the urban services district, and would also be responsible for ambulance services throughout the general services district and such other functions as the legislative commission may assign by ordinance. The charter commission did accept the committee's position that the urban services district would receive a higher level of fire protection than the general services district and specified that the fire protection in the urban

services district would not be less than that provided by the City of Sparta on the effective date of the Charter. The director of this department would be selected in the standard manner for non-elected department heads, but the initial director during the transition would be Sparta's fire chief. The provisions were placed in the Charter's Article 6.

The charter commission did accept the committee's advice that the county executive should serve as personnel director. The duties of the personnel director would be defined by ordinance.

The recommendations of the committee dealing with amendment of the charter were adopted by the charter commission. But, the charter commission added detail to the basic recommendations. The charter commission also added a prohibition against starting the process to amend the Charter until one (1) year after its effective date. The complete amendment procedures are found in Article 17 of the Charter.

c. Seeking and Receiving and Extension of Time for the Charter Commission's Work.

Two factors acted together to prolong the process of writing the Charter. First, the members of the charter commission believed that they should take all the time necessary to write a "good" Charter that would be successful both in passage and in execution. Secondly, the charter commission came to believe that a vote in conjunction with the March "Super Tuesday" primary would not be wise. In the autumn of 1987 it was apparent that to make the original target of a March election, little time

would be available to inform the public of the Charter's content and to campaign. Also present was the recommendation of the students from The University of Tennessee that a "Super Tuesday" election would not likely be successful. Therefore, the charter commission sought and received an extension of the nine (9) month deadline for up to another nine (9) months, although the charter commission members had no intention of using the full amount of this extra time.

d. Transition Provisions

Having received the extension of time to complete its work, the charter commission had to determine when to submit the document, when to hold the referendum election on the Charter, and when to begin the new government. The charter commission decided that in order to save the cost of a special election, the referendum election should be held in conjunction with the August 1988 general election.

The date of the election having been decided, it was determined that the charter commission should endeavor to complete its' work in March 1988 and deliver the Charter to the election commission on or about the first of May to place it in the proper time frame for the August election.

As reflected in the earlier discussion, the committee on the transition's recommendation for elections of the legislative commission in November 1988 was accepted. The charter commission also decided that the county executive would be elected in November 1988. The new

unified government with its newly elected officers would begin operations on the effective date of the Charter: January 1, 1989.

Under the transition provisions adopted by the charter commission and placed in the Charter as Article 18, the budget and tax levy of the City of Sparta would serve as the urban services district budget and tax levy until the next fiscal year to begin on July 1, 1989. Likewise, the budget and tax levy of White County would serve as the budget and tax levy of the general services district until July 1, 1989. Any obligation of Sparta or White County would become the obligation of the unified government and be the responsibility of the urban and general services districts, respectively. City ordinances and county resolutions not in conflict with the Charter would continue in effect until repealed or modified by the legislative commission. Likewise personnel of the two consolidating governments would be continued.

Certain key personnel were assigned specific positions in the unified government. Besides the director of Sparta's utilities and fire chief and the county's highway superintendent mentioned earlier, the director of Sparta's street department was assigned as supervisor of the public roads division of the department of public works and required to supervise the work performed on the streets and roads in the urban services district. Similarly, Sparta's chief of police would become an officer in the law enforcement department. Sparta's city administrator would become an employee with duties assigned by the county executive.

Except for boards and commissions continued in Article 13, and the other offices specifically continued (mostly the county constitutional offices) the former offices of the City of Sparta and of White County would be abolished under the Charter. However, the elected officeholders with abolished offices would receive a salary for the remainder of their terms if such officers agreed to serve the unified government as consultants.

e. Finishing Touches -- Final Review of Draft

After the charter commission had completed the basic draft of the Charter, Ron Fults was asked to review the draft with the aid of other lawyers. Fults obtained this review from Dennis Huffer, an attorney and MTAS consultant, Jim Murphy, a member of the Metro Nashville-Davidson County legal staff, and Pat Davis, CTAS Senior Legal Specialist. Many of the suggestions of these attorneys were incorporated in the final draft. Most of these suggestions dealt with improvements in the language used.

The charter commission, after incorporating some of the comments of the attorneys into the final draft, decided that some other points should be clarified. The most significant addition at this final stage of the work was the addition of subsection (b) to Article 1, Section 6. This addition prohibited a reduction in the standard of services provided in the original area of the urban services district (Sparta). This subsection also stated that all services provided in the urban services district in addition to the

services provided through the general services district would be the fiscal obligation of the urban services district.

f. **Preparation of Charter Summary**

Although not required by state law, the charter commission thought that the public should have available a summary of the Charter approved by the charter commission. The approved summary is reproduced in the appendices to this report.

VI. Signing of Document and Presentation to the Public

Charter Commission Adopts Charter and Members Sign Document

The completed Charter was unanimously approved by the charter commission and a signing ceremony was held at the White County Courthouse in Sparta on March 17, 1988. Although the document was approved, the charter commission agreed that the chairman of the charter commission was not to deliver the document to the county clerk and election commission until approximately the first of May. This would allow the charter commission to assess reaction to the Charter at one or more public meetings planned to introduce the Charter to the members of the public. The idea was to allow for the possibility of revising the Charter if some portion of it was clearly unpopular.

OUTSIDE INTEREST IN THE SPARTA/WHITE COUNTY EXPERIENCE

The Exploratory Study Committee's efforts generated a great deal of interest in the possibility of consolidating small governments throughout the State of Tennessee. State-wide newspapers, including the "Nashville Banner," and "The Tennessean," published editorials and articles about the efforts going on in Sparta and White County. (see appendices for copies of editorials and articles). White County Executive, Charles Curtiss noted that representatives of 24 counties contacted his office to obtain information about the efforts of the Sparta/White County consolidation study committee. The University of Tennessee's Institute for Public Service began to receive a number of requests for information pertaining to the consolidation issue. Although Tennessee law has allowed the formation of a metropolitan government for a number of years, the Sparta/White County study had created interest in the subject from localities that heretofore had not considered the issue. Primarily the attempt to consolidate had been tried in Tennessee's four urban areas. Rural communities had rarely considered the possibility of consolidated government. It seemed as though overnight the issue was being considered by a number of groups in various areas of Tennessee.

The Governors's Office of Economic and Community Development soon became aware of the efforts of the Sparta/White County Consolidated Government Study. The Commissioner of Economic and Community Development contacted UT's Institute for Public Service about the possibility of IPS obtaining financial assistance from the Appalachian Regional Commission in order to conduct a study on the benefits and detriments of the consolidation of local governments. The Institute for Public Service, through the Office of Economic and Community Development, submitted a proposal to

the Appalachian Regional Commission and was awarded a \$35,000 grant. (the grant request can be found in the appendices)

The project to study the possibility of metropolitan government for rural areas would include five modules to consist of; (1) Legal Framework of Metropolitan Government, (2) Financial Considerations for local governments considering consolidation, (3) an information/marketing campaign, (4) a discussion (videotaped presentation) on the strengths and weaknesses of metropolitan government in Tennessee, and (5) a report documenting the experiences of the Sparta/White County Effort. These modules are available free of charge to any individual or group who may be interested in consolidated government.

Modules one and two, the legal and financial aspects of metropolitan government were developed by CTAS and MTAS consultants. These documents explain the necessary steps to follow in the development of a consolidated government charter, from the formation of the study committee through the election to ratify the charter. Sample resolutions and other legal documents are provided in Module One. Module Two, the financial module, explains the potential financial impact of a consolidation. Explanations on how taxes and expenditures would be affected and statutory requirements on financial issues are outlined in this module.

Module three, the development of a marketing/informational campaign for a metropolitan charter committee, was developed by students of The University of Tennessee's College of Communications. This module was submitted to a senior division advertising campaigns class to serve as the class project. The class was under the direction of Professor DeForrest Jackson and Dr. Ronald Taylor. This was the first time a political campaign had been the subject of the Advertising Department's final project.

This effort met the class objective of devising an informational campaign, allowing the students to have the opportunity to learn about a complex issue, providing the Charter Commission in depth research and analysis, and a producing a document that could be transferred to other local governments considering the same option.

The 25-member class was divided into five teams, in a competitive arrangement, to develop a campaign strategy for use in Sparta/White County. The teams developed and shared the same research data. A survey of White County residents' attitudes towards consolidated government was used as a primary research tool. The students used the techniques of face to face interviews, telephone calls, and written questionnaires to determine the attitudes toward consolidation of the citizens of White County. Through this research, the teams then devised separate campaign strategies, all in an effort to assist the Sparta/White County Metropolitan Charter Commission in its attempt to pass consolidated government. The advertising class teams meet with the Charter Commission and various local officials throughout the course of the study to obtain the necessary input and data to develop an effective strategy. The final presentation would be judged, and the students would be given their grades accordingly. Two of the five judges were members of the Sparta/White County Commission, Mr. William Johnson and Mr. Charles Curtiss.

One of the major developments of the final presentation was a recommendation from the winning group that the election date be shifted from the tentative date of March 8, 1988, "Super Tuesday," until a later date. The reason given for this recommendations was that "Super Tuesday" would cause a glut of political advertising, and the consolidation issue would become cluttered with other campaigns. Also, research showed that when a consolidation issue was on the ballot and a voting turnout of greater

efforts involving local governments in Tennessee, during the State of Tennessee's Annual Conference on Economic and Community Development. This presentation lead to a number of requests from officials across the state for information on consolidated government. Interest in consolidated government has been generated primarily from Chambers of Commerce. The business community has always been interested in efficiency in government, and many see consolidation as a way to achieve this goal. Conventional wisdom holds that consolidated government improves the economic development environment in the community. Any mechanism to give a competitive advantage to the community is of great interest to the local chamber of commerce.

Other interest in the Sparta/White County project has come from out of state. Many requests for the publication on the design and development of an effective information campaign have been received from out of state citizens groups, universities, and interested individuals. A continued interest in this subject is expected. As Charles Curtiss, County Executive of White County points out, "Economics is going to force local governments to explore this option. It may not be for every community, and it is not a perfect system, but it is one of the few options now available."

**CHRONOLOGY OF MAJOR EVENTS IN THE SPARTA/WHITE COUNTY EVENTS
CONSOLIDATION EFFORT**

August 1985	Exploratory Committee meets with UT representatives to determine alternatives.
November 1985	White County Commission and the Board of Mayor and Aldermen of the City of Sparta pass a resolution establishing the Consolidated Government Study Committee
December 1985	Study Committee holds first meeting
January - December 1986	Study Committee holds hearings and develops recommendations
January 1987	Study Committee votes to recommend to White County Commission the need for the formation of the Sparta/White County Metropolitan Charter Commission
March 18, 1987	White County Commission passes resolution for formation of the Metropolitan Charter Commission

- March 19, 1987 City of Sparta passes concurrent resolution for the establishment of a Metropolitan Charter Commission
- March 31, 1987 Metropolitan Charter Commission holds first meeting
- June - August 1987 The University of Tennessee Advertising Class develops study and presentation for campaign strategy for Sparta/White County Consolidation Attempt
- April 1988 Metropolitan Charter Commission files charter with the White County Election Commission, to be placed on the ballot
- August 4, 1988 Referendum held. Charter passes in the City of Sparta, but county voters reject charter, thus the consolidation attempt fails

THE METROPOLITAN CHARTER REFERENDUM

This section of the "chronicle" will focus upon, (1) the issues that created controversy throughout the project, (2) the development and the delivery of the campaign strategy, (3) the opposition effort, and (4) the election results and review.

Election Issues

Section Two of this report, The Development of the Charter, highlighted a number of issues which were debated through the development of the charter document. Many of these issues resurfaced during the campaign. Some of these issues included; Police Services/Office of Sheriff, Zoning Ordinances, Office of School Superintendent, Constitutional Offices, and Taxation Equitablity-Urban/Rural.

The Metropolitan Charter as set in Tennessee Code Annotated, 7-1-101, et seq., mandates that all constitutional offices must be maintained. The Office of Sheriff is one of those offices. One issue which was debated throughout the development of the Charter was how to outline the duties of the Sheriff. The Tennessee Constitution outlines the duties of Sheriff to include maintaining jail facilities and to serve process papers. Law Enforcement duties are not required to be placed under the authority of the Sheriff in the Metropolitan form of government. The Charter Committee could create a separate department to operate the law enforcement branch. The Sheriff's Department would not come under the authority of the Chief Executive of the Metropolitan Government, (the same applies for the other constitutional offices). This structure hinders organizational effectiveness. If the Sheriff was given the authority and

responsibility of the law enforcement function, a major governmental service would be under the direct operating authority of an elected official and could not be administered by the chief executive branch. This issue was explained in great detail in Section Two of this report. The Sparta/White County Charter called for the Sheriff to maintain the law enforcement functions for the government. This decision was opposed by the municipal police department and by many city residents. Many county residents felt they would receive a greater level of service, and the Charter Commission felt this action would be politically feasible. Opponents argued that the urban areas would receive less police coverage.

A second issue which surfaced in the campaign was that of planning and zoning. This has been an issue which historically has divided along urban and rural lines. County residents are generally opposed to any zoning of areas outside the municipal boundaries. The issue of zoning is a problem for those in favor of metropolitan government because of the difficulties involved with changing the rural attitude. County governments have the authority to zone rural areas, and Metropolitan government would not change this, yet there is a fear, albeit unfounded, that metropolitan government, "would allow the 'city folks' to come in and tell us what we can or cannot do with our land."

A third issue involved with the consolidated government attempt was the option under Metropolitan Government that allows the School Superintendent to be appointed rather than elected. The Charter Commission felt that an appointed superintendent would be preferable to an elected position, yet due to political circumstances, voted to remain with the elected position. As was the case with the Sheriff's Office, the Charter Commission chose to take the politically expedient route of not alienating present elected officials. Opponents felt the Charter Commission was "copping out" on this issue.

A fourth issue that cropped up during the campaign, closely related to the second issue described above, is the issue of maintaining the constitutional officers in county government. Most observers feel that the requirement to maintain these offices is contrary to one of the primary reasons which the committee began to study the metropolitan form of government, and that is the issue of streamlining the government. These Constitutional Offices, sometimes irreverently referred to as "fiefdoms," are required to be included in the metropolitan government structure. Opponents of the metropolitan form of government readily point out the inefficiency of this requirement.

The fifth issue involves financial matters related to taxes and bonds. This is a complex issue, and is one which requires a great deal of effort among the proponents of metropolitan government to inform the public as to the facts. Opponents of metropolitan government claim that county residents will be taxed for services which are only provided to those living in the urban areas. This notion is hard to dispel. In fact, metropolitan government provides for two taxing districts, an urban services district and a general services district. Tax rates are levied based upon the levels of service provided in the urban area and the general services area. The fairness of this system is difficult to explain to those opposed to the metro form.

These five issues, along with others, offered the "Citizens for Consolidated Government," made up of former Charter Commission members, a great challenge to develop a campaign which would inform the citizens of White County as to the benefits of the metropolitan government and to dispel any rumors or misinformation about the new charter drafted for White County.

The Campaign

Once the Sparta/White County Metropolitan Charter Commission filed the charter with the White County Election Commission, its work was completed. The money which was appropriated to the Metropolitan Commission for the development of the charter could not be used in the development of a information campaign. A private group, consisting of many of the original charter commissioners, was formed to raise the necessary funds from private sources in order to carry out the attempt to successfully pass a metropolitan government charter. The mission of this group, "Citizens for Consolidated Government," was to provide the citizens of White County with information about the new charter. Once the citizens understood the ramifications of the new form of government the Committee felt that they would vote to approve the new charter.

The campaign began informally in August, 1985, when the first group of interested individuals met to discuss the possibilities of consolidated government. From that day forward many citizens of White County would become heavily involved in this attempt through three areas; (1) involvement with the study of metropolitan government, (2) working to draft the charter, and (3) assisting with the development of a successful campaign.

The formal campaign began in April 1988, immediately after the Charter was submitted to the White County Election Commission. The "Citizens for Consolidated Government" hired one of The University of Tennessee students involved in the advertising campaigns class, Mr. Jim Anderson, to coordinate the campaign efforts. Jim

worked with the "citizens" group in developing a speakers bureau, designing and printing informational pamphlets, and coordinating the limited advertising strategy (see appendix for samples of campaign literature).

In an effort to save money, The Charter Commission decided to hold the election on Thursday, August 4, 1988, in conjunction with the scheduled state primary election. This action would save the county the cost of holding a separate election, but it would delay the process and would cause the consolidated charter campaign to become involved with the clutter of other campaigns. This is an action that the student group warned against. Also, the primary election would more than likely draw a greater number of voters than would a separate election, and according to the research gathered by the campaigns class, the chances of a successful outcome would be lessened.

The Consolidated Government Charter had the support of the Mayor of Sparta, the White County Executive, and a number of other elected officials. Many influential members of the business community also supported the effort. The business community funded the campaign effort through private donations. This private group, "Citizens for Consolidated Government," with the assistance of the hired campaign manager, set up a schedule to speak to civic clubs, and other interested organizations in the county. Meetings were set up in community fire halls throughout White County in an effort to inform the citizens of the benefits of consolidated government. Many members of the "Citizens for Consolidated Government" met with employees of local industry, in factory meeting rooms, lunch halls, and other areas, to explain what consolidated government was about. The reaction and attendance to these meetings was mixed. The meetings scheduled held by the Committee in the Community Centers and Fire Halls were poorly attended. There seemed to be a great deal of apathy among the county residents

to this issue. However, in the meetings that were initiated by the civic groups, the interest was much greater. There seemed to be a favorable response to the consolidated issue among the civic leaders in these organizations.

A number of printed materials were made available to the citizens of White County through the efforts of the "Citizens Group." The materials were developed to inform the citizens as to the benefits of consolidation and to relieve some of the fears and rumors which were beginning to surround the consolidation issue. In addition to the printed materials, the "Citizens Group" sponsored radio and newspaper advertisements. These advertisements were developed as part of the information campaign however they were designed to take a pro-consolidation stance. These ads were concentrated during the two weeks preceding the election. The three month period, from the time the charter was filed to the election date of August 4, 1988, allowed the Citizens group ample time to send their message. Some of the proponents felt that this time period was in fact too long, and that much of the energy and momentum of the consolidation effort was lost during this time.

The Opposition

The "Citizens for Consolidated Government" were, for the most part, battling apathy among the voters. They also had the enormous task of trying to inform the citizenry of the intricacies of a "new" form of government. The opposition to changing the form of government came from two major groups. The first group identified as opponents to consolidation attempt were the employees of the City of Sparta. These employees felt they would be forced to work into a system which would be politicized

more so than their present position, and many feared that their job would be "cannibalized" in a new system. The city police did not relish the idea of becoming part of the Sheriff's department. Many felt they would be forced to leave a governmental structure which offered a professional management atmosphere, to one which offered substantially less.

The other major group identified as being opposed to consolidation was made up of rural residents. The opposition to consolidation from rural residents centered around two issues. Many of the rural residents were misinformed as to the zoning issue. They did not trust the consolidated structure because they feared that it would lead to increased regulation of their land. The second issue which concerned many rural residents was the perception that higher taxes would be forced upon them to pay for services which would be rendered only to urban areas. Again, this was an issue that the "Citizens Group" tried valiantly to explain. The opponents raised the question, "If Consolidated Government is so great why isn't it more widespread?" Another rallying cry became, "If the system works, don't fix it." The research developed by the Advertising Students pointed out that most residents, both city and county, were satisfied with their present form of local government. The proponents had no "fear issue" to work with, as was the case in the successful consolidated attempt in Lynchburg/Moore County. The Lynchburg/Moore County consolidation centered over an annexation issue where it was perceived that neighboring Coffee County was preparing to annex into Moore County. Moore County residents passed the consolidation charter by a margin of 14-1. The Sparta/White County consolidation proponents had no issue such as annexation to drive their campaign. They based their hopes on economics and efficiency in government.

The Election Results and Summary

The election to ratify the Metropolitan Charter of Sparta/White County was held on Thursday, August 4, 1988. In order gain approval, the charter had to be ratified by a majority of voters in White County AND the City of Sparta. Approval by only one set, be it city or county, would not be sufficient to pass the charter. Political pundits in White County rated the election as a "toss up." The "deafening silence" prior to the election made it difficult to predict the outcome of the election. Odds, based upon previous attempts in Tennessee, were against the passage.

The election results followed the historical patterns of voting on consolidated government in Tennessee. The referendum was approved by the voters of the City of Sparta by a margin of 61% for and 39% against passage. The county voters voted against consolidation by a 2 to 1 margin, 33% for and 67% against. The total vote showed the consolidation effort failing by nearly a 2 to 1 margin, 1,459 for consolidation, and 2,241 against consolidation. The election results seemed to prove, once again, that the consolidation effort, seen as a progressive step by those living in the urban areas, is viewed as a threat of "more government" by the rural residents.

Due to the failed attempt, some of the members of the Citizens for Consolidated Government, remarked that they would not attempt to place the metropolitan charter on the election ballot in the near future. However, the failure to pass the charter did not dim the enthusiasm of the group as to the benefits of consolidated government. Charles Curtiss, White County Executive, stated that financial factors would soon force White Countians to once again consider consolidation as an alternative form of local government.

EPILOGUE

The three year process undertaken by the local leaders of Sparta/White County served to educate the citizens of White County, as well as a number of interested citizens across the State of Tennessee, to the benefits and shortcomings of metropolitan government. The experiences of Sparta/White County group, documented in this report, provided an excellent opportunity to observe the process of a concerned group of local leaders use the tools available to them to reconstruct their form of local government. This report and the additional four modules on Metropolitan Government in Tennessee, developed by The University of Tennessee's Institute for Public Service, through a grant from the Appalachian Regional Commission, may serve as a case study to assist those in other areas who may consider this alternative form of local government.

Although the Charter Referendum failed, the Sparta/White County experience succeeded in educating a number of people to the workings of THEIR local government, both municipal and county. The governments of the City of Sparta and White County will reap the benefits of this educational process through, (1) increasing the awareness of the public as to the services provided by local government, (2) establishing a talent "pool" of interested citizens who may seek to serve as elected officials in these governments, and (3) serving as a catalyst for needed statutory and constitutional changes in the local government process to render local governments more efficient and effective.

APPENDIX ONE

Section One

1. Exploratory Group Resolution
2. Newspaper Articles from the Tennessean and the Nashville Banner
3. Final Report of Exploratory Committee

RESOLUTION NO. _____

TO STUDY MUNICIPAL-COUNTY CONSOLIDATION

WHEREAS, the citizens of White County deserve the most efficient, economical and responsive local government possible, and

WHEREAS, the City of Sparta and White County have successfully cooperated on joint projects in the past, and

WHEREAS, the consolidation of the governments of the City of Sparta and White County is possible under Tennessee law, and

WHEREAS, the county already operates a single school system, and

WHEREAS, it is prudent to explore and study the benefits and possible detriments of a consolidation of the governments of the City of Sparta and the Town of Doyle with White County,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of White County, Tennessee, in a _____ meeting on this _____ day of _____, 1985, as follows:

1. A committee to study the possible consolidation of the City of Sparta and White County and with the possible inclusion of the Town of Doyle is hereby directed to be established.
2. The consolidation study committee shall consist of twelve (12) members constituted as follows:
 - a. Three (3) county commissioners from county commission districts 3, 4, 5, 6 and 7 to be appointed by the County Executive.
 - b. Two (2) members of the Board of Mayor and Aldermen of the City of Sparta, appointed by the Mayor of the City of Sparta (the Mayor may appoint himself as one of these two members).
 - c. One (1) editor of a newspaper of general circulation in White County appointed by the County Executive.
 - d. One (1) member of the Board of Mayor and Aldermen of the Town of Doyle appointed by the Mayor of the Town of Doyle (the Mayor may appoint himself).
 - e. The seven (7) members described above shall constitute the core group of the consolidation study committee and shall meet and select five (5) additional members of the committee from among the voters of White County as follows:
 - (1) One (1) business person
 - (2) One (1) industrialist

- (3) One (1) educator
- (4) One (1) lawyer
- (5) One (1) hourly wage employee.

- 3. Vacancies on the consolidation study committee shall be filled by the original appointing authority.
- 4. The core group of the consolidation study committee shall meet at a time and place as set by the County Executive and a quorum being present shall select a chairman and a secretary and the five (5) other members of the committee, establish procedures and meeting times and shall report its findings to the Board of County Commissioners of White County and the Boards of Mayor and Aldermen of the City of Sparta and the Town of Doyle not later than December 31, 1986.
- 5. The University of Tennessee through its Institute for Public Service is requested to give the assistance of its County Technical Assistance Service and Municipal Technical Advisory Service to the consolidation study committee.
- 6. The consolidation study committee herein established shall not be and shall not be considered a metropolitan charter commission.
- 7. This resolution shall take effect upon the passage of a substantially similar resolution by the Board of Mayor and Aldermen of the City of Sparta or upon its passage, whichever occurs last.
- 8. A certified copy of this resolution shall be sent by the county clerk to the mayors of the City of Sparta and the Town of Doyle, respectively.

Approved this _____ day of _____, 1985.

APPROVED: _____
County Executive

ATTEST: _____
County Clerk

Sparta/White County may go metro

DAVID JARRARD

Staff Writer

SPARTA, Tenn. — Metro Sparta?

It could be a precedent-setting reality by 1988.

The plans by local leaders to consolidate the governments of White County and the city of Sparta are already a year in the making, and a Metro Charter Commission is expected to be funded by spring.

If supported by the 20,000 city and county residents, it will be the smallest metro government in the United States.

"It is revolutionary," said Tom Ballard, executive director of the University of Tennessee's Institute for Public Service. "We know of no other local government in the country nearly this small that has considered metro government. If they pass it, it sets a fantastic precedent for small counties. A number of local governments in and out of Tennessee are watching very closely."

Sparta Mayor Bob Breeding and County Executive Charles Curtis say they realize they are under a microscope as they "blaze a new trail" for small-county governments across the country.

But, they say, there is no choice.

During a time of federal aid cutbacks, a metro government would allow them to unify expensive services — such as road work, police protection and sanitation — which the city and county now are duplicating, they said.

It would allow the county to pass ordinances without waiting for the state General Assembly to do it once a year. And, officials said, industry and business developers would be attracted by the opportunity to work with a single, small metropolitan government.

"It would streamline our entire government," Curtis said. "It would give us a better

sense of direction in everything we do. A single group of people almost always have a better sense of direction than two. With a metro government, we are much more in control of our own destiny."

It is the success of Nashville's Metro Government — which came about in 1963 — that appeals to Breeding, who said the cost of supporting two governments in a small county will force them to "go metro."

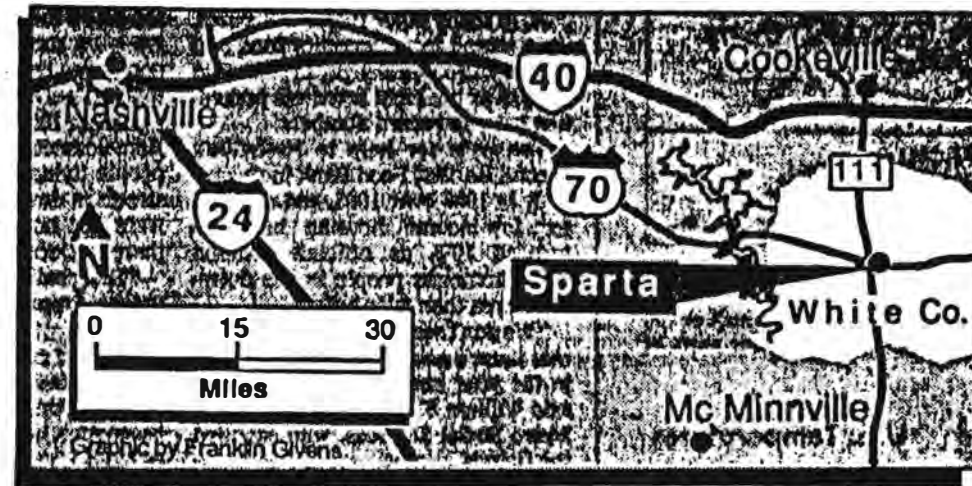
"A lot of the progress Nashville is having today wouldn't be possible if they weren't metro," Breeding said. "We're not saying there would be a decrease in taxes if we went metro; at least we're not ready to say that yet. But the people would get more services for the taxes they already pay. That's the advantage: more accountability, more flexibility, better delivery of services."

During the last year a committee comprised of about 30 leaders from Sparta and White County have studied the implications of becoming a metropolitan government. Their report will be presented at a Jan. 22 meeting here.

If the committee supports metro Sparta, the county commissioners will be asked at their April meeting to spend \$35,000 for establishment of a Metro Charter Commission to write the metro plan. However, Breeding said little of that money would be spent, since extensive research already has been done.

The committee is expected to support metro Sparta, and the county is expected to allocate the money for the charter commission. Then — if all expectations are realized — the residents would vote on it next year.

Metro governments have not been overwhelmingly favored by Tennessee voters in recent years. Although voters in Nashville chose a metropolitan form of government in the early 1960s, it has been rejected three



times by voters in Knoxville and in Chattanooga.

"I feel the average person doesn't trust politicians," said County Executive Curtis, who put the chances of the county's consolidating with Sparta as "50/50."

"If they feel the metro idea is in their best interests, they'll go along with it," he said. "As a general rule though, people resist change. It depends on how well we educate the people. That's what comes next."

However, public support for a metropolitan government in the city is strong. Mayor Breeding said.

"There is considerable interest here in going metro," he said. "A lot of people feel as Mr. Curtis and I do; or we wouldn't have been going to all this trouble."

But even if Sparta's first metro referendum falls next year, the work will not have been in

vain, Breeding said. They would try again.

"We're walking on uncharted waters," Curtis said. "Whether it passes or it fails in the end, we'll have done a great deal of work for other counties considering what we're doing. I'm already getting some inquiries. We're the pilot program."

In the meantime, said UT's Ballard, local governments in several states are waiting and watching.

"I think a lot of people are sitting back and saying, 'Are they really serious about this?'" Ballard said. "There's no question that if the Sparta/White County vote does occur, and is successful, it will be a historical benchmark other governments will look at."

"Either way, though, it's very likely that this will be a textbook example that public administration researchers will look at for years to come." ■

Editorials

Boost for Election Commission

Nashville's Democratic legislators have removed former Rep. Jim McKinney as a member of the Metro Election Commission and in his place elected Joseph Martin Sr., a retired high school assistant principal. In doing so the lawmakers have contributed greatly to the Election Commission's decorum, competence and integrity.

They have also taken a big step toward resolving the controversies that have embroiled the commission for the last two years — controversies that coincided with the time of Mr. McKinney's membership.

And by electing Mr. Martin, the delegation has restored black membership to the commission, a remedy that comes two years late but still will be welcomed.

The quarrelsome and partisan Mr. McKinney has kept the Election Commission in an uproar. At times he and other members fought so bitterly they hardly had time for the election business to which they should have been tending.

And it was Mr. McKinney who took 16 voter registration applications to now-ousted Registrar Glodene Heath last April and asked her to process them, well after the cut-off date set by state law. Mrs. Heath processed the registrations, contending she felt that she was doing her duty. As a result, Mrs. Heath was indicted and later lost her job.

Affairs at the Metro Election Commission can only improve. The county's Democratic legislators are due commendation for making that possible.

Sparta, White County eye merger

White County and the city of Sparta have moved a step closer to a decision on whether they should consolidate as a single entity and become Tennessee's second — and the nation's smallest — metropolitan government.

The county commission voted recently to appoint a 10-member committee that will work with a five-member city committee to plan for consolidation of the two governments.

Plans call for the drafting of a proposal to present the voters in a referendum next March. Approval by a majority of the voters of the city and county would be necessary for the merger to become effective.

County Executive Charles Curtis and Sparta Mayor Bob Breeding see the prospect of combining their governments as an excellent means of improving efficiency and cutting overhead costs during a time when revenues from outside

sources are shrinking. They see consolidated government as offering improved services, more local autonomy, centralized purchasing and data processing, and a general reduction of overhead costs.

Tennessee provided for the consolidation of city and county governments in its constitutional amendments of 1953. Since then, only Nashville and Davidson County have taken advantage of the provision, although Chattanooga and Hamilton County voters considered it three years ago before rejecting it.

While there are many differences between Nashville-Davidson County and Sparta-White County, the underlying principle is the same — greater efficiency in government. It just may be that the time is ripe for these two, and other city-county governments of the state, to consider consolidation.

METROPOLITAN GOVERNMENT ADOPTION

SUGGESTED TIMETABLE

Study Committee Adopts Report with Recommendation to Act	Early September 1986
County Commission Adopts Consolidation Resolution and Appropriates \$35,000 to fund Charter Commission	No Earlier than January 1987
City Board Adopts Consolidation Resolution	February 1987
Charter Commission Appointed and Initial Meeting Held	March 1987
Metropolitan Charter Filed	December 1987
Referendum Election	March 1988 (with Presidential Preference Primary)

**REPORT OF CONSOLIDATED
GOVERNMENT STUDY COMMITTEE
FOR CITY OF SPARTA AND WHITE COUNTY**

In the autumn of 1985, the Sparta Board of Mayor and Aldermen and the Board of County Commissioners of White County passed similar resolutions calling for the formation of a joint committee to study the possibility of consolidating the City of Sparta and White County and with the possible inclusion of the Town of Doyle. The resolutions charged the joint committee with exploring the benefits of and possible detriments to consolidation. Pursuant to these resolutions, the joint committee was organized and held its first meeting on December 5, 1985.

In order to study functional areas of governmental organization and service in detail, the committee was divided into nine (9) subcommittees as follows: (1) Executive and Legislative functions, (2) judicial functions, (3) finance tax collection, purchasing and accounting, (4) education, (5) law enforcement, (6) streets and roads, (7) fire protection, (8) sanitation services, and (9) health, human services and recreation. Citizens of White County who were not named to the whole joint committee were invited to join the subcommittees. This added citizen participation greatly aided the committee in its work and hopefully reflects the views of most of the area's citizens.

The enabling resolutions requested The University of Tennessee through its Institute for Public Service to give the assistance of its County Technical Assistance Service and Municipal Technical Advisory Service to the consolidation study committee. The University furnished specialists in law, urban service and generalists in county and city government to meet and consult with the committee. The committee feels that UT's input was particularly valuable in focusing the discussion and giving information about the Metro Nashville consolidation experience.

Each subcommittee reported to the whole consolidation study committee that the benefits of consolidation in each functional area outweighed the detriments. Indeed, the subcommittees determined that many important benefits could result from a consolidation of the governments, particularly, the City of Sparta and White County. Further, the subcommittees found few detriments likely to result from consolidation. This committee recognizes some transition costs, but in most cases these would be minimal. Generally, the chief benefits relate to greater efficiency in policy making and operational execution: increasing the accountability of officials, avoidance of conflict, competition and overlap; greater continuity of government, potential savings through combined purchasing, accounting and budgetary functions; greater utilization of existing assets; reduced election cost, and increased legislative flexibility with the ability to enact ordinances for the entire area without the necessity of cumbersome and time consuming private act legislation from the General Assembly.

Based upon the findings noted above, the consolidation study committee concludes that the benefits of a consolidated government greatly outweigh any possible detriments. The committee recommends that the City of Sparta and White County act to form a Metropolitan Government Charter Commission as provided in the

general law. The Town of Doyle is urged to participate in the Commission, with a view toward the inclusion of Doyle in a new consolidated government. However, the committee views the inclusion of Doyle as helpful, but not essential to achieving the significant benefits likely to result from forming a consolidated government in White County.

The subcommittee reports are presented as supporting this recommendation and are included by reference in this report.

SUMMARY OF SUBCOMMITTEE REPORTS

Legislative and Executive Function

The chief advantages of consolidation would be: single legislative body and executive would allow for fewer officials, reduce conflict, give greater flexibility of legislative powers by not needing private acts, allow greater continuity of government through staggered terms, provide unified industrial recruitment efforts and allow greater accountability of department heads to the central authorities. The possible detriments are considered speculative and not substantial.

Education

As the county presently has only one school system operated under the county government, few benefits or detriments to education will occur directly as a result of consolidation, however, the benefits from centralized purchasing, budgeting and accounting will impact in this area as well as in others. The subcommittee made some functional recommendations which could be utilized with or without a metropolitan government.

Law Enforcement

Law enforcement throughout Sparta and White County would be enhanced through the consolidation of the City of Sparta's Police Department and the Office of County Sheriff. The combination of police facilities presently exists, between the two governments. By combining personnel between the two governments, efficiencies could be derived from the following action:

1. Less duplication of police services
2. Better utilization of personnel and increased patrolling of county areas.
3. Improved scheduling in order to concentrate personnel during peak periods.
4. Improved service of process through specialization.

The major detriment to the consolidation of the law enforcement departments would be the State Constitutional requirement to include the Office of Sheriff. The purely law enforcement duties of the Office of Sheriff could be shifted to an appointed officer such as the Chief of Police. This method is currently used by Metro-Nashville.

This committee recognizes the benefits of consolidation of the law enforcement agencies and recommends that metropolitan government be pursued.

Judicial

A metropolitan government could allow the municipal courts to be consolidated into the general sessions courts to provide greater efficiency in handling misdemeanor cases and small claims. There would be very little change in the judicial functions if metropolitan government was adopted.

Streets and Roads

Consolidation could bring together two departments into one with an appointed, highly qualified head. The purchasing power of the department would be increased and some duplication of equipment eliminated. More productivity would be achieved from the personnel in the system.

Sanitation

The Sanitation Subcommittee feels that consolidation of sanitation services would benefit the citizens of both the City and County. This would be accomplished through a better utilization of equipment and manpower, bringing about reduced costs in collection from canisters and landfill covering. The subcommittee projects a savings of over \$130,000 per year.

Finance, Tax Collection, Purchasing and Accounting

The subcommittee found that consolidation would result in improved efficiency by combining the two staffs. The quality of the services provided could also be improved by specialization of the combined staff in such areas as purchasing and accounting. Improved service to taxpayers would also result from the consolidation of all tax collection functions under the Trustee. In summary, the subcommittee found that consolidation could result in improved services with no change in staffing, revenues or expenditures; and likely savings from greater (combined) purchasing power.

Health, Human Services and Recreation

Consolidation of City and County services in these three areas would have no effect on the services being provided. In the health area, the possibility of the consolidated government acquiring the three utility districts in the county was examined and advised against because of the financial condition of the three districts. No changes were recommended or anticipated in the human services and recreation areas.

Fire Protection Services

The fire protection subcommittee found that, under a consolidated government, services would not change substantially. Some improvement in service and response time could be realized through centralizing dispatching and by having two districts respond to every fire call. In the long term, improved operational procedures and better distribution and utilization of equipment would be benefits of consolidation.

THE EXECUTIVE AND LEGISLATIVE SUBCOMMITTEE REPORT

The Executive and Legislative subcommittee has attempted to address its charge "to explore and study the benefits and possible detriments of a consolidation of the governments of the City of Sparta and the Town of Doyle with White County", as outlined in the enabling resolution. Specifically, the benefits and detriments of the metropolitan government as it applies to the executive and legislative functions, have been determined.

The basic question which this subcommittee has attempted to answer is, how the executive and legislative functions would be improved through the incorporation of a metropolitan form of government.

The overall benefit of metropolitan government in relation to the executive and legislative branches would be derived through increases in the efficiency and productivity in the governmental operation. The efficiency and productivity would be enhanced through a number of changes in operational and legal procedures. Some of the areas which would be enhanced through consolidation of the governments include:

1. Avoidance of conflict, competition and overlap between the governments
2. Greater accountability of officials
3. Development of consistent personnel systems
4. Consolidation of purchasing, budgeting and accounting systems
5. Providing a more clearly defined governmental operation
6. Development of consistent Industrial Recruitment and Economic Development Efforts
7. Flexibility in the establishment of ordinances removing the requirement for Private Acts to be passed by the legislature
8. Establishment of clearly defined policy through one governing body
9. Increased accessibility to the citizenry
10. Development of a more professional operation in all areas of service
11. Continuity of elected officers through the establishment of staggered terms of office
12. Decrease in the number of elections thus lowering the cost

These benefits provided by the establishment of metropolitan government would ensure that the citizens of White County have a productive and efficient governmental operation.

In addition to the development of a list of general benefits, the subcommittee discussed a number of issues which will have to be addressed by a Metropolitan Charter Commission. The subcommittee at times crossed the boundary between developing a general recommendation and actually developing portions of a metropolitan charter as it relates to the legislative and executive functions. For example, the subcommittee thinks that 7 districts and 14 council members with staggered terms would be an advisable size for the metropolitan governing body. It is a difficult task to make a general recommendation without delving into the actual details of how a metropolitan operation should function.

The following is a summary of some of the questions discussed by the Legislative and Executive Subcommittee which must be addressed by a Metro Charter Commission:

I. Governing Body

A. Name of Governing Body

B. Make-up

1. Number of members
2. At large vs. district election
3. Terms of office
4. Qualifications for office
5. Compensation
6. Vacancies
7. Presiding offices - Method of selection and powers

C. Frequency of meetings

D. Urban Services Council

2. Chief Executive Officer

A. Elected

1. Term of office
2. Qualifications
3. Veto powers
4. Compensation
5. Personnel powers
6. Vacancy in office
7. Budget powers

B. Appointed

1. Contract
2. Qualifications
3. Compensation
4. Personnel powers
5. Vacancy in office
6. Budget power

3. Executive Departments and Boards

A. Specification of departments by Charter

B. Appointment of department heads

After much discussion on the above subjects, this subcommittee feels that there would be substantial improvements in the functioning of government in White County from consolidation. Therefore, it is recommended a Metropolitan Charter Commission be established.

APPENDIX TWO

Section Two

- 1. Detailed Budget Expenses**
- 2. Sparta/White County Charter Summary**
- 3. Sparta/White County Proposed Charter**

BUDGET CONSIDERATIONS FOR A METROPOLITAN CHARTER COMMITTEE

There are a number of questions which must be answered before an accurate budget can be developed. The following items are offered for consideration.

1. LEGAL FEES-It is imperative that an attorney be retained to review the charter document. There will be many other occasions where legal advice will be needed. CTAS and MTAS attorneys will be available for consultation throughout the process. It may be of great benefit to have both the county and city attorneys appointed as members of the charter commission. Even with all of this gratis assistance, legal fees will probably be the greatest expense to the charter commission.

2. STAFFING-a decision must be made as to whether a full time or part-time staff member be employed to assist the charter commission with its duties. A variety of options can be used, however it is important that an individual be available to serve as a focal point for the committee. County and city employees could be made available to assist the committee throughout the process. CTAS and MTAS personnel will be available for assistance. However, an individual will be needed to coordinated the day to day activities of this process.

If a contract is entered into with an individual(s) to serve as a staff coordinator, steps should be taken to ensure that objectives are met in a timely fashion.

Charter commission members are prohibited from receiving a per diem or other compensation for their services, except reimbursement of actual expenses by members.

3. PRINTING and COPYING COSTS-Once the charter document is developed, a number of copies should be printed and made available to the public. The information program, which should be developed by the charter committee, will require many other printed materials.

4. LEGAL PUBLICATIONS-Tennessee Code Annotated, 7-2-105, states that the charter commission shall furnish to every daily or weekly newspaper published in the county a complete copy of the charter. There will be the need for other legal notices to be published throughout the process.

5. PUBLIC INFORMATION PROGRAMS-In order for metropolitan government to have any chance of passage, the voters of White County must be fully informed of the benefits it may or may not bring. This will require a well planned educational program involving all forms of media, as well as many volunteer hours. Printing, mailing, telephone, and staff coordination will be some of the types of cost involved in this program.

6. ELECTION EXPENSE-Tennessee Code Annotated, 7-2-106, states the county election commission shall hold a special referendum election for the ratification or rejection of the proposed charter. The proposed timetable for this election will coincide with the Presidential Primary Election scheduled for March 8, 1988. Holding the two elections at the same time will save the county the additional cost of holding a seperate election.

7. TRAVEL EXPENSES-As stated under staffing considerations, charter commission members are allowed to have travel expenses reimbursed. Also, there may be occasions where an "outside consultant" may be brought in to address the committee, governing body, or public groups.

Tennessee Code Annotated, 7-2-104, requires that the governing body of the county appropriate sufficient funds to defray the expenses of the commission, which appropriation shall be not less than thirty-five thousand dollars (\$35,000) nor more than fifty thousand (\$50,000). It does not require that the full amount be spent. With all of the "foundation" work this exploratory committee has completed, the charter commission should be able to build upon it quite easily. Much of the cost of this program could be contained through a combination of volunteer work, cooperation of the city and county governments, the use of The University of Tennessee resources, and a number of other innovative techniques.

SUMMARY OF THE PROPOSED CHARTER

OF THE UNIFIED GOVERNMENT OF SPARTA AND WHITE COUNTY

The following is a summary of the proposed charter consisting of nineteen (19) articles. Since this is a summary, many provisions are not covered. The proposed charter itself must be read for a full understanding of its contents. The Town of Doyle may retain its charter under the unified government.

ARTICLE 1. Consolidation, Territory, and Powers. This article provides that a single unified government will replace the governments of the City of Sparta and White County. The unified government will have all of the powers of both a city and a county. The unified government will operate over the entire territory of White County. The entire county area constitutes the general services district, while an urban services district will also exist (Sparta area initially). Special services districts that provide one or more urban services may be established. Each district taxed only for services it receives.

ARTICLE 2. The County Legislative Commission. This article establishes a fifteen (15) member county legislative commission as the legislative body for the unified government. Fourteen (14) members will be elected from seven (7) districts, for a term of four (4) years. An at-large member will be elected from the entire area and will serve as chairman of legislative commission. Initial election of members will occur in November, 1988, with later elections in November, 1992, and every four (4) years thereafter. The chairman will serve as acting county executive during absence of county executive. An urban council consisting of the three legislative commissioners who receive the largest vote from the urban services district is established with the sole duty to levy a property tax for the urban services district.

ARTICLE 3. County Executive. The office of county executive is established with a four (4) year term, except for the initial term. The initial county executive will be elected at the November, 1988 general election and serve until September 1, 1990. A county executive will be elected at the August, 1990 general election and every four (4) years thereafter. The county executive will have general executive, fiscal, and administrative authority (but none over consitutional officers), and veto power over ordinances and resolutions of the legislative commission subject to override by a two-thirds (2/3) vote. The county executive cannot be the chairman of the legislative commission. If not popularly elected, department heads are appointed by the county executive subject to approval by the legislative commission. The county executive will be the personnel director.

ARTICLE 4. Department of Law Enforcement and Office of Sheriff. This article provides for a sheriff's office and a

separate law enforcement (police) department. As a constitutional office, the sheriff's office will continue as an elected office with a four (4) year term. The sheriff's office will be responsible for control of the jail or workhouse and service of civil process. The police department will enforce state law and the ordinances of the unified government. The sheriff will head his own office and also serve as the director of law enforcement, heading the police department. However, the duties of the sheriff as director of law enforcement may be removed in a recall referendum initiated by two-thirds (2/3) resolution of the legislative commission or by petition of the voters. If removed as director of law enforcement, the sheriff will continue to head his own office, but a director of law enforcement (chief of police) will be appointed. A sheriff elected after a recall of law enforcement duties begins the term as director of law enforcement, but remains subject to a possible recall referendum regarding law enforcement duties.

ARTICLE 5. Department of Public Works. This article establishes a public works department responsible for road, street, and bridge construction and maintenance; garbage collection and disposal or regulation of private waste disposal operators; and other functions that may be assigned by ordinance. The superintendent of the White County highway department will be the initial director. Subsequent directors will be appointed as provided for department heads in Article 3.

ARTICLE 6. Department of Fire and Emergency Services. This article establishes a department of fire and emergency services responsible for these services and such other services as may be assigned by ordinance. The chief of fire and emergency services of the City of Sparta will be the initial director. Subsequent directors will be appointed as provided for department heads.

ARTICLE 7. Department of Electric, Water, and Sewerage Services. This article establishes a department of electric, water and sewerage services to furnish these services in the urban services district and any special district created for a particular service(s). The director for these services for the City of Sparta will be the initial director. Subsequent directors will be appointed as provided for department heads. The legislative commission will set rates for these services after receiving the recommendation of a committee of legislative commissioners from urban or special service districts. Water may be sold to utility districts.

ARTICLE 8. Public Education. This article provides that the seven (7) county board of education members will continue in office as the board of education of the unified government until the expiration of their respective terms. Staggered six (6) year terms are continued. The White County superintendent of education continues as the superintendent under the new

government for the remainder of his term. The superintendent of education will be elected by popular vote for a term of four (4) years unless the state law regarding superintendents changes. Tenure and benefit rights of teachers and employees of the county are retained.

ARTICLE 9. Department of Finance. This article provides for an appointed director to head a department of finance responsible for accounting, purchasing, and budgeting assistance. Minimum qualifications relating to education and / or experience are provided. Unlike other appointed department heads, the director of finance cannot be removed by the county executive alone, but only with the approval of the legislative commission.

ARTICLE 10. Budgets and Financial Matters. This article provides a procedure for the preparation, consideration and adoption of an annual operating and a capital improvement budget for the general and urban services district, provides for tax levies, transfer of appropriations within funds, post audit procedure, and impoundment of funds to prevent deficit operation. The director of finance, interacting with the department heads, prepares the operating budgets and interacting with the planning commission prepares the capital improvements budgets. The county executive reviews and possibly amends these budgets and submits them to the legislative commission by May 25 of each year. The budget and finance committee of the legislative commission reviews the budgets and submits its recommendation to the legislative commission. The legislative commission considers the budgets, may amend them, but is obligated to pass the budgets by July 1, when the fiscal year starts. Municipal electric tax equivalent payments are earmarked to the urban services district general fund. An advance planning and research fund is created.

ARTICLE 11. Borrowing Authority. This article provides authority for the unified government to issue short and long term debt obligations. Long term debt (three years or longer) can be issued only by a two-thirds (2/3) majority vote of the legislative commission, and in accordance with the general law.

ARTICLE 12. Planning Commission. This article establishes a nine (9) member planning commission. Seven (7) members are appointed by the county executive subject to legislative commission approval. Two (2) of these seven (7) will be residents of the urban services district until and unless the urban-non urban population ratio changes. The legislative commission will elect one of its members, and with the county executive or his representative will be the other members. The planning commission may exercise the authority of a municipal and a regional planning commission.

ARTICLE 13. Boards, Commissions, and Authorities. This article provides that all city and county boards, commissions,

and authorities not dealt with specifically in the Charter are continued until changed by ordinance or statute.

ARTICLE 14. Judiciary. This article provides for the consolidation of the City Court of Sparta with the general sessions court. The judge serving the general sessions court in White and Van Buren Counties will continue as under the private act. The legislative commission is empowered to provide for an additional elected general sessions judge for only the unified government, if needed. The circuit court clerk will serve as the clerk for the general sessions court. Chancery Court, Circuit Court, and judicial commissioners continue unchanged.

ARTICLE 15. Constitutional Offices. This article provides for the continuation of the constitutionally required county offices of assessor of property, county clerk, register, sheriff, trustee, and the clerks of court under the unified government.

ARTICLE 16. Elections and Removal of Officers. This article provides for continuation of the county election commission under the unified government, the conduct of elections by the general law except where the Charter specifies otherwise. Ouster of officials is provided as under the general law.

ARTICLE 17. Charter Amendments. This article provides the procedure for amending the Charter. An amendment may be proposed by a two-thirds (2/3) majority vote of the legislative commission or by a petition signed by twenty percent (20%) of the qualified voters of the unified government. A proposed amendment must receive a majority vote in a referendum to pass. The Charter cannot be amended, nor can an amendment be proposed until one year after its effective date. Also, a proposed amendment cannot be submitted by the legislative commission or by petition process more than once every two (2) years.

ARTICLE 18. Transition and Effective Date. This article provides for the continuation of the budget of Sparta as the urban services district budget and the county budget as the general services district budget during the initial six months of the unified government. County resolutions and city ordinances are continued until changed by the legislative commission. Employees of the city and county are continued. City and county offices not continued by the Charter are abolished. The Charter becomes fully effective on January 1, 1989.

ARTICLE 19. Intent of Charter and Interpretation. This article states that it is the intention of the people that if any part of the Charter is ruled invalid, the remainder of the Charter should remain in effect. Titles and subtitles are used as an aid to the reader but have no legal significance.

THE PROPOSED CHARTER
OF THE
UNIFIED GOVERNMENT OF SPARTA AND WHITE COUNTY

Unanimously Approved By
The Sparta - White County Charter Commission
March 17, 1988

Members of the Sparta - White County Charter Commission:

William M. Johnson, Chairman
William Floyd, Vice-Chairman
Robert W. Brockman
Kenneth Broyles
Sandra Crouch
Gary Cunard
Charles Curtiss
Havern Foster

Charles Gillen
Ruth Golden
Tim Kentner
Freddie R. Maxwell
Tom Ward
William Whiteaker
Rickie Yates

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ARTICLE 1

CONSOLIDATION, TERRITORY, AND POWERS

Section 1. Creation of a Unified Government. The governmental and corporate functions of the City of Sparta, Tennessee, a municipal corporation, are hereby consolidated with the governmental and corporate functions of White County, Tennessee. This consolidation is pursuant to power granted by Article XI, Section 9 of the Tennessee Constitution, as amended, and the general law statutes codified in Tennessee Code Annotated, Sections 7-1-101 et seq. The name of the consolidated government shall be the "Unified Government of Sparta and White County," herein called the "unified government." The unified government shall perform all, or substantially all, of the governmental and corporate functions performed by the City of Sparta and White County before this Charter becomes effective. The unified government shall replace and supersede the governments of the City of Sparta and White County.

Section 2. Area of Unified Government. The territory embraced in the unified government shall be the total area of White County as established on the effective date of this Charter.

Section 3. Two Service Districts and Their Areas. The unified government shall have a general services district and an urban services district, and may have one or more special services districts. The unified government shall have jurisdiction and authority over all services districts. The general services district shall consist of the total area of White County, which is the total area of the unified government as established on the effective date of this Charter. The urban services district shall consist initially of the total area of the City of Sparta as established at the time this Charter is filed with the county election commission of White County. Special services districts may be created as provided in this Charter. The general services district, the urban services district, and each special services district created by the county legislative commission shall be considered a separate tax district.

Section 4. Expansion of the Urban Services District. (a) The area of the urban services district may be expanded and its territorial limits extended in the manner provided by the general laws of Tennessee for annexation by municipalities, and for these purposes the urban services district shall be deemed a municipality. The county legislative commission shall be the governing body of the municipality and of the unified government with respect to annexation of territory into the urban services district. The legislative commission shall solicit and receive a

report of the planning commission of the unified government providing a plan of service for any area proposed to receive urban services prior to the adoption of an annexation ordinance or a resolution calling for a referendum on annexation. A plan of service for any area proposed to be annexed shall be adopted as part of any annexation ordinance or resolution calling for a referendum on annexation.

(b) Upon the expansion of the territorial limits of the urban services district, the unified government shall provide substantial urban services in accordance with a plan of service approved by the legislative commission. If substantial urban services are not provided within the time periods specified in the plan of service, the county legislative commission shall remove the area from the urban services district, and provide for the area to revert to its previous status, or, as may be appropriate, to become a part of one or more special services districts.

Section 5. Functions Within General Services District. The unified government may exercise within its general services district those powers and functions that have been exercised previously and furnished by White County or the City of Sparta, or both, and shall supply the residents of the general services district with those services that are now, or hereafter may be, customarily furnished by a county government. The services supplied White County on the effective date of this Charter shall be the services supplied to the general services district until altered by ordinance of the county legislative commission.

Section 6. Functions Within Urban Services District. Standard of Services. (a) The unified government may exercise those powers and functions, and furnish those services within its urban services district that have been exercised previously or furnished by the City of Sparta or White County, or both, and may supply the residents of the urban services district with those services that are now, or hereafter may be customarily furnished by a city or municipal government. The services supplied by the City of Sparta on the effective date of this Charter shall be the services supplied to the urban services district until altered by ordinance of the county legislative commission.

(b) The standard of services provided to the original area of the urban services district on the effective date of this Charter, being the area of the City of Sparta on the date of the filing of this Charter with the county election commission, shall not be reduced. All services provided to the urban services district in addition to the services provided through the general services district shall be the fiscal obligation of the urban services district.

Section 7. Special Services Districts. The county legislative commission may, by ordinance, create outside the urban services district one or more special services districts,

for the purpose of furnishing or performing one or more services furnished within the urban services district. The unified government may exercise within any special services district those powers and functions that the general law authorizes unified governments to exercise.

Section 8. Additional Functions and Services. Nothing in this Article shall be deemed to limit the power of the unified government to exercise, furnish, or provide other functions and services or new and additional functions and services in either the urban services district, the general services district, or any special services district. The county legislative commission, by ordinance, may assign, reassign, and adjust services within the various service districts. Each such ordinance shall include an adjustment of the tax rate in each district affected to reflect any reallocation of service costs among service districts.

Section 9. Discontinuance of Functions and Services. Nothing in this Article shall be construed to require the continued maintenance or furnishing of any function or services that the county legislative commission by ordinance may determine to be obsolete and unnecessary.

Section 10. Powers of the Unified Government. Except as otherwise provided by this Charter, the unified government shall have all the powers granted municipalities, counties and metropolitan or unified governments under the Constitution and general laws of the State of Tennessee, all of the powers and authority vested in the City of Sparta and the County of White by private act or general law at the time this Charter becomes effective, and all of the powers granted to municipalities by general law municipal charters. These powers shall be construed broadly and the omission of specific powers in this Charter shall not be construed as limiting the general powers of the unified government. The unified government shall be a public corporation, with perpetual succession, capable of suing and being sued; capable of purchasing, receiving, and holding property, real and personal, within or beyond the boundaries of the unified government, and of selling, leasing, or disposing of the same to the extent of other governmental entities; and of having and using a common seal.

ARTICLE 2

COUNTY LEGISLATIVE COMMISSION

Section 1. Authority. The legislative authority of the unified government includes all legislative authority vested in

the former City of Sparta and the County of White upon the effective date of this Charter. It also includes all of the legislative powers vested in consolidated or metropolitan governments generally, in county governments generally, in municipal governments generally under the Constitution or under laws of general application of the State of Tennessee, and in general law municipal charters, as they are in effect at or after the effective date of this Charter.

Section 2. Name, Districts, Membership, Term, Eligibility.

(a) The legislative authority of the unified government, except as otherwise specifically provided in this Charter, is vested in a metropolitan council, herein referred to and to be officially known as the "county legislative commission," sometimes hereinafter called "legislative commission." The legislative commission shall have a total membership of fifteen (15), including one (1) at-large member and fourteen (14) district members, known as legislative commissioners. The county (area of the unified government) shall be divided into seven legislative commission districts. Two legislative commissioners shall be elected from each district. All of the qualified voters of the unified government shall be entitled to vote for one (1) legislative commissioner at-large. The person receiving the greatest number of votes for legislative commissioner at-large shall be elected. The two candidates receiving the greatest and second greatest number of votes in each legislative commission district shall be elected.

(b) The initial boundaries of the legislative commission districts shall be identical with the boundaries of the districts for the election of members of the board of county commissioners of White County in existence at the time of the adoption of this Charter. The legislative commission shall change district lines, if necessary, by ordinance, within six months of receiving the certified data for White County of each federal census so that the district legislative commissioners represent substantially equal populations. The legislative commission may redistrict at any time it deems such action necessary to maintain substantially equal representation based on population, so long as the redistricting is based on the latest federal census data.

(c) Legislative commissioners shall serve for a term of four (4) years and until their successors are elected and qualified, except as specified herein.

The initial membership of the county legislative commission shall be elected at a special election to be called by the county election commission to be held in conjunction with the November, 1988 general election. County legislative commissioners elected at this special election shall begin their term on January 1, 1989. All fifteen (15) members of the county legislative commission shall be elected at the special election. The legislative commissioners elected at this special election shall serve until December 1, 1992, and until their successors are elected and qualified. All fifteen (15) legislative

commissioners shall be elected at the November, 1992 general election and every four (4) years thereafter. All legislative commissioners elected at a regular November election in 1992 and every four (4) years thereafter shall begin their term of office on December 1 following their election.

(d) To be eligible to serve as a legislative commissioner, a person shall:

(1) Be a citizen of the United States.

(2) Be a resident of White County and have been a resident for one (1) year prior to the qualifying deadline date.

(3) Be a resident of the district and have resided within the district for which office is sought for six (6) months prior to the qualifying deadline date; except that the at-large legislative commissioner must only meet the residency requirements of item (2) immediately above.

(4) Be at least twenty-one (21) years of age at the beginning of the term.

(5) Not be serving in a county-wide elective office, except this provision shall not prohibit an at-large legislative commissioner from seeking reelection to that office.

(e) No person serving in a county-wide elective office under the unified government shall be eligible to file for or seek the at-large legislative commissioner seat until the person has not held a county-wide elected office for a period of four (4) years. This prohibition shall not preclude the at-large legislative commissioner from seeking reelection.

Section 3. Chairman. (a) The at-large legislative commissioner shall serve as chairman or presiding officer of the legislative commission.

(b) The chairman shall vote only in the case of a tie vote, or when the chairman's vote will create a majority.

(c) The chairman shall serve as acting county executive during the absence of the county executive as prescribed by ordinance of the legislative commission.

Section 4. Vice-Chairman. (a) A vice-chairman of the legislative commission shall be elected at the first meeting of the legislative commission in September of each year by the legislative commission from the membership of the legislative commission.

(b) The vice-chairman shall serve as chairman during the absence of the chairman.

Section 5. Clerk. The county clerk shall serve as the clerk of the legislative commission and perform such duties in regard thereto as requested by the legislative commission by resolution.

Section 6. Compensation. The compensation of legislative commissioners shall be set by ordinance adopted by the legislative commission in an amount not less than prescribed by

general law for county legislative body members for attending meetings.

Section 7: Vacancies. Vacancies in the office of legislative commissioner shall be filled in the manner provided by the general law for filling vacancies on the county legislative body.

Section 8. Meetings, Quorum, Voting. (a) The legislative commission shall determine the place, date, and time of regular meetings at its organizational meetings, the first of which shall be held on January 2, 1989, or as soon thereafter as is possible. Thereafter, on December 1 following the regular November election in 1992, or as soon thereafter as possible, and every four (4) years thereafter, the legislative commission shall hold an organizational meeting. The legislative commission shall have at least one (1) regular meeting each calendar month. The place, date, and time for regular meetings shall not be changed except by a two-thirds (2/3) majority vote of the legislative commission. An adjourned meeting may be held at such place, date and time as the legislative commission may determine by a majority vote so long as the adjourned meeting occurs prior to the next regular meeting.

(b) Special meetings of the legislative commission shall be held whenever a special meeting is called by the county executive or by a majority of the legislative commissioners. Except in cases of extreme emergency, legislative commissioners and the public shall be given at least forty-eight (48) hours notice prior to convening any special meeting. The county clerk shall notify legislative commissioners of a called special meeting either by personal notice or by telephone communication.

(c) A quorum of the legislative commission shall consist of a majority of the serving district legislative commissioners. Unless specifically provided otherwise in this Charter, any motion, ordinance, or resolution must receive the votes of a majority of the serving members (including the at-large member), and not a majority of the quorum nor a majority of the authorized membership, in order to be approved. The at-large member serving as chairman shall be counted for purposes of determining a majority, but shall not vote except in the event of a tie vote or in instances where the vote of the chairman can create a majority.

Section 9. Ordinances, Resolutions, Rules of Procedure.

(a) Ordinances and resolutions shall be presented for adoption to the legislative commission only in written form.

(b) Ordinances shall be adopted written measures that are of a general, permanent, and/or penal nature. Resolutions shall be adopted written measures that are of a temporary character dealing with ministerial, administrative, or executive matters.

(c) No ordinance shall be passed until it has been approved after two (2) separate readings. These two (2) readings of an

ordinance shall occur at separate regular meetings of the legislative commission. The legislative commission, however, may act by a two-thirds majority vote to suspend the requirement of approval at two (2) regular meetings and proceed to a second reading and pass an ordinance at a subsequent special meeting held not less than seven (7) days after the proposed ordinance has passed the first reading at a regular meeting. In matters pertaining to legislative commissioner district boundaries, taxation, zoning, and land use regulation, the rule requiring passage at two (2) regular meetings shall not be suspended. The legislative commission may provide for a fine for each violation of a penal ordinance in an amount and manner not in conflict with the general law.

(d) The legislative commission may adopt a resolution after a single reading at any meeting of the legislative commission.

(e) Except as otherwise provided in this Charter, the legislative commission shall determine its own rules and order of business. The initial rules of procedure shall be adopted at the organizational meeting to be held within thirty (30) days after the election of the legislative commissioners. These rules of procedure shall provide for the keeping of a record of its proceedings, which shall be a public record.

Section 10. Urban Council. (a) The urban services district shall be and constitute a municipal corporation, with a three (3) member urban council, whose sole function shall be a mandatory obligation to levy a property tax adequate with other available funds to finance the budget for urban services, as determined by the legislative commission.

The urban council shall meet immediately following any meeting of the legislative commission at which an annual budget is adopted or amended, or at which the annual tax rate for the general services district is adopted or amended. The minutes for the urban council shall be kept by the legislative commission clerk (county clerk).

(b) The three members of the urban council shall be the three (3) legislative commissioners who reside within the urban services district and received the largest number of votes at the latest election. The term of office for the urban council member shall be the same as the term of a legislative commissioner.

Section 11. Civil Service. The legislative commission may, by ordinance, provide a civil service system for the employees of the unified government, and provide for its maintenance and administration.

Section 12. Creation of Departments and Agencies. The legislative commission may establish new departments and/or agencies of the unified government and abolish them, so long as the departments and/or agencies established by this Charter are not abolished.

ARTICLE 3

COUNTY EXECUTIVE

Section 1. Authority. The executive and administrative power of the unified government is vested in and shall be exercised by a county executive and such other departments, boards, commissions, officers and agencies as are created by, authorized by, or included within this Charter.

Section 2. Term. (a) The term of office for the county executive shall begin on September 1 following the regular August election and shall continue for a period of four (4) years and until a successor is elected and qualified, except for the initial county executive of the unified government. A county executive shall be elected by the qualified voters of the unified government at a special election held in conjunction with the November, 1988 general election. The county executive elected at the special election in November, 1988, shall take office on January 1, 1989, or as soon thereafter as possible, and serve until September 1, 1990, or until a successor is elected and qualified. Thereafter, a county executive for the unified government shall be elected by the qualified voters of the unified government at the August, 1990 general election, and every four (4) years thereafter.

(b) No person shall be elected by the voters of the unified government to the office of county executive of the unified government for a full four (4) year term more than three times in succession.

Section 3. Eligibility. The county executive shall be a citizen of the United States, at least twenty-one (21) years of age, and have been a continuous resident of White County for at least three (3) years immediately prior to the time of election. The county executive shall continue to reside within White County during his or her term of service. Failure of the county executive to reside within White County shall create a vacancy in the office.

Section 4. Compensation. The compensation of the county executive shall be set by the county legislative commission on an annual basis, but this amount shall not be less than that established by general law as a minimum salary of a county executive in non-metropolitan counties of the same population class as White County.

Section 5. Veto Power. (a) The county executive may veto any resolution or ordinance adopted by the county legislative commission, but only in its entirety. The county executive shall not have line item veto power in regard to appropriation legislation.

(b) The county legislative commission may override the veto of the county executive by a two-thirds (2/3) majority vote of the serving members.

Section 6. Prohibited from Chairmanship. The county executive shall not serve as the chairman or presiding officer of the legislative commission.

Section 7. Selection of Department Heads. The county legislative commission may by ordinance set qualifications for department heads of the unified government in harmony with any qualifications established by this Charter, except where prohibited by the state Constitution, and may establish procedures for applying for a department head position. Unless this Charter provides otherwise, the county executive shall examine all candidates for a department head position and shall select one person for each unfilled department head position and present this selection (nominee) to the legislative commission. The legislative commission shall, by regular majority vote, accept or reject the nominee of the county executive for a particular department head position. If the county executive's nominee is rejected by the legislative commission, the county executive shall select another nominee for the position and this process shall continue until the legislative commission has accepted a nominee of the county executive for the department head position in question.

Section 8. Departmental Organization and Supervision. (a) The county executive may dismiss any department head selected by the process described in Section 7 of this Article without the concurrence of the legislative commission.

(b) The county executive shall supervise the department heads organized under the county executive as provided in this Charter or by ordinance of the county legislative commission. This provision does not grant to the county executive any supervisory authority over any of the officers of the unified government which are deemed constitutional officers under Articles 6 and 7 of the Tennessee Constitution.

(c) The county executive shall prepare an organizational chart of the unified government in accordance with this Charter and the ordinances of the county legislative commission. This chart shall be submitted to the legislative commission for approval. The chart may be amended from time to time to reflect changes in the legal basis of the organization.

Section 9. Chief Fiscal Agent. The county executive shall be the chief fiscal agent for the unified government and shall annually present to the county legislative commission a budget for the unified government in accordance with the procedures required by Article 10 of this Charter regarding budgets and financial matters.

Section 10. Director of Personnel. The county executive shall serve as the director of personnel. The duties and authority of the county executive as director of personnel shall be defined by ordinance of the legislative commission in conformity with this Charter and the general law.

Section 11. Call of Special Meetings. The county executive may call a special meeting of the county legislative commission at any time that in his or her opinion circumstances require it.

Section 12. Ex-officio Membership, Attendance Requirement.

(a) The county executive shall be a non-voting ex-officio member of any board, commission, or committee to which he or she appoints members, and shall not be a member of any other board, commission, or committee unless so specified by this Charter.

(b) The county executive shall annually attend at least a majority of meetings of the county legislative commission.

Section 13. Vacancy. (a) A vacancy in the office of county executive shall be filled by the chairman of the county legislative commission, who shall immediately assume the duties and take the title of county executive. He or she shall serve as county executive for the balance of the term and until a successor is elected and qualified, unless more than twelve months remain in the unexpired term. If more than twelve (12) months remain in the term, a special election shall be held in accordance with the general law regarding special elections. The person elected at the special election shall serve the remainder of the unexpired term and until a successor is elected and qualified.

(b) Whenever a vacancy in the office of county executive causes the chairman of the county legislative commission to become the county executive, this person (at-large legislative commissioner) shall continue to serve as chairman of the legislative commission and shall thereby serve in a dual capacity, and shall not vacate his or her seat as the at-large legislative commissioner.

ARTICLE 4

DEPARTMENT OF LAW ENFORCEMENT AND OFFICE OF SHERIFF

Section 1. Sheriff, Director of Law Enforcement. The Sheriff of White County shall be the Sheriff of the unified government. The sheriff shall continue to be elected and serve in accordance with the Tennessee Constitution and the general laws. The sheriff shall head the office of sheriff and shall also serve as director of law enforcement unless recalled as director of law enforcement as provided herein.

Section 2. Duties of Sheriff's Office. (a) As head of the office of sheriff, the sheriff shall have custody and control of the unified government jail and/or workhouse, shall serve all civil process lawfully directed to him, and perform such other duties as the general law directs the sheriff to perform except duties regarding law enforcement and principal conservator of the peace.

(b) As head of the office of sheriff, the sheriff may employ deputies and assistants as provided by general law. The unified government's personnel director or committee shall provide a list of all qualified candidates for sheriff's office deputies and assistants. All newly employed deputies, jail staff, or other personnel of the office of sheriff shall be selected by the sheriff from the list provided by the personnel department. The duties of sheriff's deputies and assistants shall be limited to the duties of the sheriff designated in subsection (a) of this section.

(c) All fees, commissions, emoluments, and perquisites of the office of sheriff shall accrue to the unified government as they formerly accrued to White County.

Section 3. Law Enforcement Department. Duties. Director.

(a) The unified government shall have a law enforcement department that may also be referred to as the police department. The law enforcement department shall be headed by a director of law enforcement. This department may be divided into such divisions as may be provided by ordinance. The director of law enforcement shall be responsible for all law enforcement services of the unified government, and shall therefore be responsible for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights, and enforcement of the laws of the State of Tennessee and the ordinances of the unified government. The director of law enforcement and other officers of the unified police force are vested with all of the power and authority belonging to the office of sheriff by the common law and also with all of the power, authority, and duties that by general law are provided for police and law enforcement officers of municipalities and counties.

(b) The sheriff of the unified government shall serve as director of law enforcement in addition to his duties as head of the office of sheriff unless the duties as director of the law enforcement department are removed by recall as provided herein.

Section 4. Compensation. The annual compensation of the sheriff shall be set by the county legislative commission, except that this compensation shall not be less than the compensation received by the sheriff for his official services on the effective date of this charter. The salaries of other officers and employees of the law enforcement department shall be fixed in a compensation plan established by ordinance of the county legislative commission.

Section 5. Law Enforcement Personnel. All law enforcement officers, other than the director of law enforcement, shall be selected by the unified government's personnel director or committee, as the case may be, pursuant to qualifications and standards established by ordinance. These standards and qualifications shall in no case be less stringent than the standards and qualifications established by the general law for police officers. The rate of compensation for rank, duties, and assignment under the ordinances or regulations made pursuant thereto shall consider experience, training, promotion, and incentives. The personnel director or committee shall be responsible for retaining, demoting, or terminating these personnel. The director of law enforcement may, however, suspend any officer for good cause, with or without pay, and may bring charges or complaints against the officer or officers to the personnel department within a reasonable time for hearing to determine if the alleged offending officer or officers should be terminated or disciplined. Additionally, the personnel director or committee may conduct personnel investigations and take appropriate actions by its own authority without recommendation of the director of law enforcement, but the personnel director or committee shall give notice of charges to the alleged offending officer followed by a hearing, if requested by the alleged offending officer within ten (10) days.

Section 6. Recall of Sheriff's Duty as Director of Law Enforcement. (a) The sheriff, in his capacity as director of the department of law enforcement and chief law enforcement officer of the unified government, shall be subject to recall. A recall may be initiated by either of the following methods:

(1) By petition signed by qualified voters of White County in a number equal to or greater than ten percent (10%) of the total vote cast in the latest regular election for sheriff. The petition shall be filed with the election commission who shall examine the petition and ascertain whether or not it is signed by the required number of qualified voters and who shall attach to the petition its certificate showing the result of the examination. If the petition is found insufficient, it may be amended within ten (10) days from the date of the certificate. The election commission shall re-examine an amended petition within fifteen (15) days of re-submission and, if certified sufficient, the petition shall be returned to the person(s) filing it. If the election commission certifies the petition to be sufficient, the election commission shall hold an election as provided herein; or

(2) By a resolution adopted by a two-thirds (2/3) majority vote of the serving members of the county legislative commission recommending the removal of the sheriff as the director of the law enforcement department and as the chief law enforcement officer.

In either case, upon initiation of a recall, the election commission shall hold a county-wide election not less than thirty

(30) days nor more than forty-five (45) days from the date of petition certification or the date of approval of a resolution of the county legislative commission recommending removal of the sheriff as the director of the law enforcement department and as the chief law enforcement officer of the unified government.

(b) If a majority of the voters voting in a recall election vote to remove the sheriff's law enforcement duties, then the sheriff, for the remainder of the term of office, shall be the keeper of the jail, attend and serve the courts, and shall serve civil process; and, the sheriff shall no longer be a conservator of the peace, nor an enforcer of the laws of this state or of the ordinances of the unified government. A sheriff serving after a vote in favor of recall shall receive only the salary provided by general law for counties in the same population class as White County.

(c) Upon a majority vote for recall in a county-wide election, a chief of police shall be selected as director of law enforcement according to the provisions of Article 3, Section 7, herein for the selection of department heads, and the person selected and approved as chief of police shall serve during the remainder of the term of the sheriff. The chief of police shall exercise all of the law enforcement powers formerly exercised by the sheriff and shall serve as the chief law enforcement officer of the unified government until a sheriff is elected for a new term of office. If a recalled sheriff is subsequently elected, the sheriff shall again exercise full law enforcement powers and duties as director of the law enforcement department during the new term, but shall in all cases remain subject to the recall provisions of this Charter.

ARTICLE 5

DEPARTMENT OF PUBLIC WORKS

Section 1. Director, Divisions, Duties. The unified government shall have a department of public works headed by a director selected as provided in Article 3, Section 7, herein for the selection of department heads, except for the initial director. The initial director shall be the superintendent of the White County highway department on the effective date of this Charter, who shall be subject to all of the provisions of this Charter respecting department heads. This department may be divided into such divisions as may be provided by ordinance, except that the public works department shall initially include a division of public roads and streets, and a division of sanitation. The director of public works shall have general management and control of the divisions and units of the department.

Section 2. Responsibilities, Functions. The department of public works shall be responsible for:

(a) The design, construction, maintenance, repair, and cleaning of roads, highways, streets, alleys, storm sewers, sanitary sewers, bridges, viaducts, and related structures under the control of the unified government.

(b) The collection and disposal of garbage and other refuse, and the maintenance and operation of facilities for their disposal, and the regulation of any private operators performing services for the unified government under contract.

Section 3. Assignment of Additional Functions. The county legislative commission may by ordinance assign the following functions to the department of public works:

(a) Control of the servicing, maintenance, and repair of automotive equipment of all departments and agencies of the unified government, subject to such limitations as may be established by ordinance.

(b) The maintenance and repair of all buildings under the control of the unified government.

(c) Such other functions as may be assigned to the department by ordinance.

ARTICLE 6

DEPARTMENT OF FIRE AND EMERGENCY SERVICES

Section 1. Director, Divisions. The unified government shall have a department of fire and emergency services headed by a director selected as provided in Article 3, Section 7, herein, except for the initial director. The initial director shall be the person serving as the chief of the department of fire and emergency services of the City of Sparta on the effective date of this Charter, who shall be subject to all of the provisions of this Charter respecting department heads. This department may be divided into such divisions as may be provided by ordinance, except that this department shall initially include a division of fire protection, and a division of ambulance services. The director of fire and emergency services shall have general management and control of the divisions and units of the department.

Section 2. Responsibilities, Functions. The department of fire and emergency services shall be responsible for:

(a) General services fire protection.

(b) Urban services fire protection. The urban services fire protection shall not be less than that provided by the City of Sparta on the effective date of this Charter.

(c) Ambulance services throughout the general services district.

(d) Such other functions as may be assigned to the department by ordinance.

ARTICLE 7

DEPARTMENT OF ELECTRIC, WATER, AND SEWERAGE SERVICES

Section 1. Director, Divisions, Duties. The unified government shall have a department of electric, water, and sewerage services headed by a director selected as provided in Article 3, Section 7, herein for the selection of department heads, except for the initial director. The initial director shall be the director of electric, water, and sewerage services for the City of Sparta on the effective date of this Charter, and he or she shall be subject to all of the provisions of this Charter respecting department heads. This department may be divided into such divisions as may be provided by ordinance, except that this department shall initially include a division of electric service, a division of water service, and a division of sewerage services. The director of this department shall have general management and control of the divisions and units of the department.

Section 2. Responsibilities, Functions. The department of electric, water and sewerage services shall be responsible for:

(a) Electric service for the urban services district and any special service district with electric service that the legislative commission may establish by ordinance.

(b) Water service for the urban services district and any special service district with water service that the legislative commission may establish by ordinance.

(c) Sanitary sewerage service for the urban services district and any special service district with sanitary sewerage service that the legislative commission may establish by ordinance.

(d) Such other functions as may be assigned to the department by ordinance.

Section 3. Rates. After receiving the recommendation of the utility rate committee (as hereinafter described), the legislative commission may by ordinance establish user fees or charges for electric, water, and sewerage services. A utility rate committee consisting of all legislative commissioners residing in the urban services district or in a special services district that provides either electric, water, or sewerage services is established. The utility rate committee shall, at least annually, review the utility rates charged by the unified

government and shall make recommendations to the legislative commission concerning utility rates. The water rates for non-utility district users outside the urban services district shall not be increased by a greater percentage than those inside the urban services district. The legislative-- commission may establish the rates for electric, water, or sewerage services charged by the unified government to a utility district, but the legislative commission shall not set the rates that a utility district charges its customers.

ARTICLE 8

PUBLIC EDUCATION

Section 1. Board of Education. Public education within the area of the unified government shall be governed by a board of education. The initial board of education for the unified government shall consist of the members of the White County board of education on the effective date of this Charter. The members of the board of education at the time of the formation of the unified government shall continue to serve the remainder of their terms and until successors are elected and qualified. The board of education shall consist of seven (7) members. One board member shall be elected by the voters of each county legislative commissioner district at the regular August general election in the year in which the term of the incumbent member expires. Each member of the board of education shall be elected to a term of six (6) years and until a successor is elected and qualified. This system of election will result in staggered terms.

Section 2. Qualifications of Board Members. (a) Each member of the board of education shall be a resident of and qualified voter in the district from which he or she is elected for at least one year prior to the qualifying deadline date for the election, and shall reside in the district from which elected during the term of office. Members of the board shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office. No member of the county legislative commission nor any other elected official of the unified government shall also serve as a member of the board of education. No person shall be eligible to serve on the board of education unless he or she is a bona fide resident of the county and district served and has a practical education. Prior to entering upon the duties of the office, each member shall take an oath to discharge faithfully the duties of the office. The county legislative commission may, by ordinance, require board members elected after the adoption of the ordinance to attend training workshops and seminars designed to enhance the ability

of board members to carry out their duties properly.

(b) In the event that the general law applicable to members of county boards of education provides for qualifications of board members that are in addition to the qualifications provided in subsection (a) of this section for members of the board of education for the unified government, the legislative commission may, by ordinance, establish any such additional qualifications for county board of education members to be applicable to any member of the board of education of the unified government elected at any election following the adoption of any such ordinance.

Section 3. Vacancies on Board. The seat of a member of the board of education shall become vacant upon the death or resignation of a member or for failure to reside in the district from which he or she was elected or for failure to attend training workshops or seminars if required by ordinance. The seat of a member of the board of education may also become vacant as a consequence of a successful ouster proceeding or other general law procedure whereby a public officer may be removed from office. When a vacancy occurs, the vacancy shall be filled in the same manner as vacancies on the county legislative commission are filled.

Section 4. Chairman and Vice-Chairman. The board of education shall annually elect from its membership a chairman and vice-chairman. The chairman and vice-chairman, unless provided otherwise by this Charter, shall have the powers and duties assigned to the chairman and vice-chairman of county boards of education by the general law.

Section 5. Board's Powers and Duties. Except as otherwise provided in this Charter, the board of education shall have the powers and duties of a county board of education as provided by the general law.

Section 6. Superintendent of Education. (a) The chief administrative officer for the public education system of the unified government shall be a superintendent of education. The initial superintendent of education on the effective date of this Charter shall be the White County superintendent of public education, who shall serve the remainder of his term of office as superintendent of education for the unified government and until a successor is elected and qualified.

(b) The superintendent of education shall be elected by popular vote of the qualified voters of the unified government at the regular August election in the year a new term is to begin and every four (4) years thereafter to a term of four (4) years beginning on September 1 of the year of election.

(c) The qualifications of the superintendent of education shall be the same as the qualifications for a county superintendent of public instruction under the general law.

(d) Except as otherwise provided by this Charter, the superintendent of education shall have the same duties and authority as a county superintendent of public instruction under the general law.

(e) Vacancies in the office of superintendent of education shall occur on account of death, resignation, or failure to reside in White County, and may occur as a result of an ouster proceeding or any other general law procedure for the removal of a public officer. A vacancy in the office of superintendent of education shall be filled in the same manner as department heads are selected. The person so selected shall serve as superintendent of education for the balance of the term and until a successor is elected and qualified, unless more than twelve months remain in the unexpired term. If more than twelve (12) months remain in the term, a special election shall be held in accordance with the general law regarding special elections. The person elected at the special election shall serve the remainder of the unexpired term and until a successor is elected and qualified.

(f) Notwithstanding subsections (b) and (e) above, in the event that the general law applicable to county superintendents of public instruction requires that county superintendents of public instruction be selected by some method other than popular election, then each superintendent of education selected after such a change in the general law shall be selected according to the method required by the general law for county superintendents of public instruction. In the event that the general law requires a method of selection of such superintendents other than popular election but does not specify the exact method required or offers alternative selection methods not including popular election, then the county legislative commission shall by ordinance establish the method of selection of the superintendent of education.

Section 7. Employee Tenure and Pension Rights. (a) Any person who has acquired tenure as a teacher in the former White County school system shall retain all tenure rights under the board of education for the unified government.

(b) All rights and benefits that any person has acquired under a pension plan for the benefit of teachers and nonteaching employees in the former White County school system shall be preserved by the board of education.

ARTICLE 9

DEPARTMENT OF FINANCE

Section 1. Department of Finance Created; Functions. The unified government shall have a department of finance, headed by

a director selected as provided in Article 3, Section 7, herein for the selection of department heads, but subject to the qualifications described in Section 2 of this Article. This department may be divided into such divisions as may be provided by ordinance. The department of finance shall administer the financial affairs of the unified government in accordance with the provisions of this Charter and applicable ordinances.

Section 2. Qualifications and Removal of Director of Finance. (a) The director of finance shall have a minimum of a bachelor of science degree from an accredited college or university and shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting, or the director shall have at least two (2) years of acceptable experience in a related position or an equivalent number of related courses if he or she does not have a college or university bachelor of science degree or eighteen (18) quarter hours or equivalent semester hours in accounting.

(b) The director of finance shall serve until removed by a majority vote of the county legislative commission upon the recommendation of the county executive. The director of finance may not be removed by the county legislative commission without the recommendation of the county executive.

Section 3. Powers and Duties of the Director of Finance. The director of finance shall be responsible to the county executive for the administration of the financial affairs of the unified government. The director of finance shall perform such duties regarding budgeting, accounting, purchasing (including leasing and lease-purchasing), disbursing of funds, property management, and auditing as prescribed by this Charter and by ordinance.

Section 4. Duty of Offices and Departments to Cooperate with Director of Finance. All department heads and elected officers of the unified government shall conform their budgeting, accounting, purchasing and all other financially related procedures to the procedures established by ordinance and administered by the director of finance.

Section 5. Competitive Bidding. The county legislative commission shall, by ordinance, provide purchasing procedures (including leasing and lease-purchasing) that shall apply to all offices, departments, and agencies of the unified government. Ordinances governing purchasing for the unified government shall provide rules for the competitive bidding of purchases of goods and services, rules governing advertisement of bidding invitations, and exceptions to these rules for purchases of perishable commodities, small dollar value purchases, purchases using state contracts, purchases of professional services, and genuine emergency purchases.

ARTICLE 10

BUDGETS AND FINANCIAL MATTERS

Section 1. Fiscal Year. The fiscal year of the unified government shall begin on the 1st day of July of each year and shall end on the 30th day of the next June. Each fiscal year shall constitute the budget year and the year for financial accounting and reporting of each office, department, institution, activity and agency of the unified government. This requirement is in addition to, and not in lieu of, any accounting and reporting required of any official or agency by state or federal laws.

Section 2. Preparation of Annual Operating Budget. (a) The director of finance shall obtain from all officers, departments, boards, commissions, and other agencies for which appropriations are made by the unified government, or which collect revenues for the government, all information necessary to compile the annual operating budget. All officers, directors, departments, boards, commissions, and agencies shall furnish the director this information at the time and in the form that the director prescribes.

(b) Unless specified otherwise, references in this Article to "department heads" shall include the directors or officers who head departments or offices, and any board, committee or commission that supervises a department, office, or agency of the unified government; and in the case of the superintendent of education, actions of the superintendent relative to budgeting shall be concurred in by the board of education to be effective.

(c) Not later than three months prior to the end of each fiscal year the director shall distribute to each of the agencies identified in the preceding paragraph all forms necessary for the preparation of the operating budget for the succeeding fiscal year. These forms shall be returned to the director with the information desired not later than two months prior to the end of the current fiscal year. On the basis of the information so received and otherwise secured by him, the director shall prepare and transmit to the county executive a proposed operating budget for the next fiscal year of the kind and scope set forth in Section 3 hereof. In preparing the proposed budget the director may revise, as he deems necessary, the estimates or requests made by the various officers, departments, boards, commissions, and agencies, but any such agency is entitled to a hearing before the director with reference to any contemplated changes in its budget requests or estimates.

Section 3. Scope of the Annual Operating Budget. (a) Section I of the annual operating budget shall apply only to the general services district and shall deal with those services and functions appertaining to the general services district as set

out by this Charter or by ordinance of the county legislative commission. Section II of the annual operating budget shall apply only to the urban services district and shall deal with those services and functions appertaining to the urban services district as set out in this Charter or by ordinance of the county legislative commission.

(b) Each of the above described sections of the annual operating budget shall contain with respect to each of the operating funds:

- (1) An estimate of the unencumbered fund balance (surplus) or deficit at the beginning of the ensuing fiscal year, and the amount of any reserves for designated purposes or activities includable in the operating budget.
- (2) A reasonable estimate of revenues to be received during the ensuing year, classified according to source. The estimated revenues from current and delinquent property taxes shall not be based on an assumption of a higher percentage collection rate than that achieved the previous fiscal year.
- (3) Proposed expenditures for each organizational unit and activity in accordance with the established classification of accounts, including those capital outlays that are to be financed from the revenues of the ensuing year, and including all debt service requirements in full for the fiscal year payable from such fund.

In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus, or fund balance, and applicable reserves and less any estimated deficit at the end of the current fiscal year.

Section 4. Review and Revision of Operating Budget by County Executive; Submission to Legislative Commission; Budget as Public Record; Distribution of Copies. (a) The county executive shall review the operating budget submitted to him by the director of finance, and may make any revisions in it that he deems necessary or desirable before it is submitted to the legislative commission for consideration.

(b) Not later than May 25th of each year, the county executive shall submit to the legislative commission the operating budget as approved by him in the form and with the contents specified in Section 3 hereof, together with a message explaining the budget. The message shall describe the budget's important features, outline the proposed financial policies of the unified government for the ensuing fiscal year, and set forth the reasons for any significant changes in policy or budgetary allocations from the previous fiscal year or from the requests of the various departments, offices, and agencies of the unified government.

(c) The county executive shall promptly cause copies of the budget and the budget message to be prepared for distribution to all departments, offices and agencies of the unified government and to any residents of White County requesting them. A summary of the budget shall be published in at least one newspaper of general circulation in the area of the unified government. The operating budget, as well as the capital improvements budget hereinafter provided for, the budget message, and all supporting schedules shall be public records in the office of the county clerk and shall be open to public inspection.

Section 5. Action by Legislative Commission on Operating Budget. (a) The legislative commission may amend the operating budget proposed by the county executive except that the budget as finally amended and adopted must provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year as certified by the director of finance. Neither shall the legislative commission alter the estimates of receipts or other fund availability included in the budget document except to correct errors and omissions, in which event a full explanation shall be spread on the minutes of the legislative commission. In no event shall the total appropriations from any fund exceed the total of estimated fund balance, reserves and revenues that shall constitute the funds available.

(b) The legislative commission may by ordinance establish such separate operating funds as it deems necessary in addition to those required by this Charter, but shall maintain the separation of funds for the general services district and the urban services district.

(c) The legislative commission shall establish a budget and finance committee composed of members of the legislative commission in such number as the legislative commission may determine; however, at least one member of the budget and finance committee shall be a legislative commissioner residing in the urban services district. Additionally, the county executive shall be an ex-officio member of the budget and finance committee. The budget and finance committee shall perform such duties as are prescribed by this Charter and such other duties as may be assigned by the legislative commission.

(d) The legislative commission shall finally adopt an operating budget for the ensuing fiscal year not later than the 30th day of June, and it shall be effective for the fiscal year beginning on the following July 1st. Adoption shall take the form of an ordinance setting out the estimated revenues in detail by source and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document. If the legislative commission fails to adopt a budget prior to the beginning of any fiscal year, the unified government will continue under the existing budget. A copy of the adopted budget, certified by the county clerk, shall be filed in the office of the director of finance.

(e) The amount set out in the adopted operating budget for each organizational unit, purpose, or activity shall constitute the annual appropriation for that item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable. This shall not preclude the impoundment of funds or additional appropriations as provided herein.

Section 6. Property Tax Levies. (a) The county legislative commission shall by ordinance levy an annual tax on real and personal property in the general services district immediately after adoption of the operating budget. The tax rate set by the ordinance shall be such that a reasonable estimate of revenues from the levy will at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated and to provide, in addition, a reasonable amount of working capital for each of the several funds.

(b) After the legislative commission has approved the annual operating budget of the urban services district, the legislative commission shall determine and declare the amount of revenue that must be produced from a tax levy upon the real and personal property within the urban services district. The urban council shall thereupon convene and shall by resolution levy a property tax adequate with other available funds to finance the budget for urban services, as determined by the legislative commission.

Section 7. Allocation of Municipal Electric Tax Equivalents. All municipal electric tax equivalent (in lieu of tax) payments received by the unified government shall be deposited in the general fund of the urban services district and appropriated through the annual operating budget of the urban services district.

Section 8. Impoundment of Funds. Upon certification by the director of finance that the revenues or other resources actually realized with respect to any fund are less than was anticipated and are insufficient to meet the amounts appropriated from the fund, the county executive shall impound any appropriations necessary to prevent deficit operation.

Section 9. Additional Appropriations. The legislative commission may make appropriations in addition to those contained in the current operating budget by a two-thirds (2/3) majority vote of the serving members, at any regular or special meeting called for that purpose. Any such additional appropriation shall be made from an existing unappropriated fund balance in the fund to which it applies or an unencumbered balance of another line item or appropriation within the same fund.

Section 10. Transfer of Appropriations. (a) Upon request of any department head to the director of finance, the county executive with the approval of the budget and finance committee may transfer the unencumbered balance of any appropriation, or any portion thereof, from any line item to another line item within the same major category.

(b) Upon request of any department head to the director of finance, the county executive may, with the approval of the budget and finance committee, request that the legislative commission, by resolution, transfer the unencumbered balance of any line item to another line item within another major category within the same operating budget fund.

Section 11. Lapse of Appropriations. All unencumbered balances of appropriations (or line items) in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which the appropriations were made.

Section 12. Capital Improvements Budget. (a) The director of finance shall prepare, with the aid of the planning commission, a capital improvements budget for general services district projects and urban services district projects separately. The capital improvements budget for the general services district shall be divided into three parts. Part I shall be for education department projects, Part II shall be for street and road projects, and Part III shall be for other general services district projects. Separate funds shall be maintained for capital improvements for the urban services district and for the three parts of the general services capital improvements budget.

(b) The minimum annual funding for capital improvements in each capital improvement fund shall be in an amount equal to two percent (2%) of the local revenues received for the urban services district, the education department, and non-education general services, except streets and roads. At least two percent (2%) of all unrestricted revenues received for streets and roads shall be placed into the capital improvements fund for streets and roads.

(c) The director of finance shall obtain annually any information required by the planning commission to enable it to prepare the capital improvements budget. All officers, departments, agencies, boards, committees, and commissions requesting funds from the unified government shall furnish to the director of finance all information requested for the preparation of the capital improvements budget. This information shall be delivered to the planning commission not later than four (4) months prior to the end of the fiscal year.

(d) The capital improvements budget shall include a program of proposed capital expenditures for the ensuing fiscal year and the next five (5) fiscal years, accompanied by the report and the recommendations of the planning commission with respect to the

program. The capital improvements budget shall present proposed urban services district projects and general services district projects, with the general services district projects divided into three parts as follows: (I) Education, (II) Streets and Roads, (III) Other General Services District Projects.

(e) The capital improvements budget prepared by the director of finance with the assistance of the planning commission shall be reviewed by the county executive who shall submit the capital improvements budget to the county legislative commission with his or her recommendations not later than May 15th each year. The county executive shall specifically recommend those projects to be undertaken during the ensuing fiscal year and the method of financing them. A statement of the anticipated impact of the proposed and recommended projects and their financing on the debt structure of the unified government shall be presented with the recommendations of the county executive. The operating budget proposed by the county executive shall include any projects to be financed by current revenues for the ensuing fiscal year.

(f) The county legislative commission may accept, with or without amendment, or reject, the proposed capital improvements budget and program. The legislative commission shall not authorize the expenditure for a capital improvement not recommended by the county executive in the proposed capital expenditure budget unless such expenditure is approved by a two-thirds (2/3) majority vote of the serving members. The capital improvements budget for the ensuing fiscal year shall be adopted by the legislative commission not later than the 30th day of June, and it shall be effective for the fiscal year beginning on the following 1st day of July.

(g) The county executive may submit amendments to the capital improvements budget at any time during the fiscal year. Any such amendments shall be accompanied by the recommendation of the planning commission on the particular project. These proposed amendments shall only become effective if approved by a two-thirds (2/3) majority vote of the serving members of the legislative commission.

Section 13. Advance Planning and Research Fund. A minimum of ten thousand dollars (\$10,000.00) shall be appropriated annually and placed in a separate fund known as the advanced planning and research fund. This fund shall be used by the planning commission in the preparation, in advance, of plans for capital projects, for studies and research as the planning commission deems necessary to perform its duties as prescribed by this Charter and the general law. No expenditure shall be made from this fund except by resolution of the planning commission. No expenditure from this fund shall be made for regular planning commission budgetary items or for any purpose other than research and advance planning. Any resolution of the planning commission for expenditures for advance planning of a capital improvement project shall precisely define the projects covered. Any amount

expended in the advance planning for the project shall be included in the budget for the project's construction. Upon commencement of construction of a capital improvement project, the advance planning and research fund shall be repaid the amount expended on advanced planning for the particular project.

Section 14. Post Audit. (a) The legislative commission shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the unified government. The audit shall be made by the state comptroller of the treasury or by an accountant or an accounting firm, whose members have no personal interest, direct or indirect, in the fiscal affairs of the unified government or of any of its departments, offices, or agencies. If the state comptroller's office does not conduct the audit, then the designated accountant shall be a certified public accountant, or, if an accounting firm is employed, the members thereof shall be so certified and thoroughly qualified by training and experience in governmental accounting to perform the audit.

(b) A three member audit board shall determine who shall conduct the independent audit. The audit board shall consist of the presiding officer of the legislative commission, the chairman of the budget and finance committee of the legislative commission, and the chairman of the board of education.

(c) The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year, and in no event later than four months after the close of the fiscal year. The audit report shall be a public record.

(d) The legislative commission may at any time, by resolution, order an examination or special audit of any department, office, or agency of the unified government.

ARTICLE 11

BORROWING AUTHORITY

Section 1. Debt Obligation Authority. The unified government may, when authorized by ordinance or resolution of the county legislative commission, issue short-term debt obligations. The unified government may issue long-term debt obligations for any public purpose in accordance with the provisions of this Charter or general law. For purposes of the Charter, the term "short-term debt obligation" or "notes" refers to any indebtedness required to be repaid within three years of its being incurred; the term "long-term debt obligation" or "bonds" refers to any indebtedness that need not be repaid within three years of its being incurred. Long-term debt obligations of the unified government may be issued with adjustable or floating

interest rates or with specified maximum interest rates and may be marketed by competitive bid or negotiated sale. The county legislative commission may delegate the authority to adjust interest rates and the administration of the marketing of long-term debt obligations. The county legislative commission may, by ordinance or resolution not inconsistent with the provisions of this Charter, establish additional procedures and conditions for long-term obligations.

Section 2. Approval of Issues of Long-Term Debt Obligations. Long-term debt obligations of the unified government shall be issued only following the adoption of an ordinance, approved by a vote of two-thirds of the serving county legislative commission members, authorizing the issue and stating the amount, interest rate, terms, and purpose thereof.

Section 3. Terms and Procedures for Long-Term Bond Issuance. In adopting an ordinance authorizing long-term debt, the county legislative commission may act pursuant to any general law of the State of Tennessee then in effect which generally authorizes counties, municipalities, or other governmental entities or political subdivisions of the State of Tennessee to issue bonds. The power to issue bonds shall include as well the power to issue bond anticipation notes and to issue grant anticipation notes if the purpose to be achieved from the bond funds is to be financed partly by grants. The bond ordinance must make reference to the particular chapter of the Tennessee Code being adopted by the county legislative commission as authority for issuance of the bonds. The county legislative commission shall adhere strictly to all its provisions in adopting the bond ordinance, except as to any conditions or limitations that are inapplicable to unified or metropolitan governments by general law. If the bonds are to be revenue bonds instead of bonds based upon the unified government's taxing powers, the county legislative commission may act under authority of any general law applicable to counties, municipalities, metropolitan governments, or utility districts authorizing the issuance of revenue bonds. The unified government may act under any general law authority granted to counties, municipalities, metropolitan governments, or utility districts authorizing the issuance of general obligation bonds or revenue bonds and issue combination revenue and general obligation bonds. Unless the county legislative commission acts pursuant to a general law requiring a referendum, the approval of the electorate shall not be required for the issuance of bonds.

Section 4. Full Faith and Credit, Allocation of Proceeds and Payment. The full faith and credit of the unified government shall be pledged for all long-term debt obligations issued by the unified government, based upon its taxing powers, unless otherwise provided in the issue. The proceeds and payment of all debt obligations issued by the unified government shall be

allocated to the services district for which the proceeds of the debt obligation are intended as set forth by ordinance of the county legislative commission in accordance with this Charter or applicable general law.

Section 5. Trust Fund. The proceeds of all long-term debt obligation issues and the interest earned thereon shall constitute a trust fund. Each issue shall be accounted for and used exclusively for the purposes for which the issue was authorized, and in accordance with the terms of the bond ordinance. At the completion of any project financed by long-term debt obligations, if any unused surplus remains, the surplus shall be applied to the corresponding general services district or urban services district debt service fund for the purpose of reducing the outstanding long-term indebtedness.

Section 6. Debt Service Fund. All revenue collected for the purpose of servicing or retiring a long-term debt obligation issue shall be used exclusively for the payment of principal and interest, but the ordinance authorizing the long-term debt obligation issue may allow funding of a reserve for maintenance or replacement of any improvement constructed with the long-term debt obligation issue. A debt service fund and debt service reserve fund may be established for amortization of all issues for each services district having a long-term indebtedness.

ARTICLE 12

PLANNING COMMISSION

Section 1. Establishment of Planning Commission. The unified government shall have a unified government planning commission, otherwise referred to as the "planning commission." The planning commission shall be the official planning agency for the unified government.

Section 2. Membership, Number, Appointment, Terms of Office, Vacancy. (a) The planning commission shall consist of nine (9) members. The county executive or his or her designated representative shall serve as a member of the planning commission. The legislative commission shall elect one of its members to serve on the planning commission. The county executive and legislative commissioner members of the planning commission shall serve a term coterminous with their term of office as county executive and legislative commissioner, respectively. Seven (7) members of the planning commission shall be appointed by the county executive subject to the approval of the legislative commission by a majority of the authorized membership. Of the seven (7) appointed members, two (2) members

shall be selected from citizens residing in the urban services district and five (5) members shall be selected from citizens residing outside the urban services district. The number of members selected on the basis of residence inside or outside the urban services district may be reapportioned by ordinance of the legislative commission as changes in the population residing inside or outside the urban services district occur. Any change in the ratio of urban/nonurban members according to a reapportionment shall occur only at the expiration of the terms of the appointed members of the planning commission.

(b) The seven (7) appointive members shall serve a term of four (4) years, or until a successor is appointed and approved, except that of the first members appointed, one (1) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, two (2) shall serve a term of three (3) years, and two (2) shall serve a term of four (4) years. The county executive shall appoint the initial members to a specific seat reflecting the staggered term system. The county legislative commission may approve or reject each appointee.

(c) Any vacancy on the planning commission shall be filled for the remainder of the unexpired term by the method prescribed for the vacated member's appointment or election.

Section 3. Organization, Meetings, Bylaws, Records. (a) The planning commission shall organize at a meeting called by the county executive after all nine (9) members have been selected. The planning commission shall annually elect one of its appointive members as chairman and one as vice-chairman. The planning commission may choose such other officers as it deems appropriate.

(b) The planning commission shall establish bylaws for the purpose of defining quorum, rules of order, and procedures. The planning commission shall reference the source of general law authority by Tennessee Code or public chapter section number that support its rules and regulations. The planning commission shall maintain a record of its meetings and of all actions taken. All such records shall be public records.

Section 4. Powers, Duties, and Responsibilities. (a) The planning commission shall have all of the powers, duties, and responsibilities that are now or may be hereafter granted to municipal, regional, or metropolitan planning commissions by the general law. Additionally, the planning commission shall have any powers, duties, and responsibilities provided by ordinance of the legislative commission.

In the performance of these powers, duties, and responsibilities, the planning commission may do the following:

(1) Employ personnel and make contracts for services within budget limitations.

(2) Make agreements and receive grants and/or assistance from the federal or state governments for planning purposes and receive gifts for planning purposes.

(3) Require other departments, offices, and agencies of the unified government to furnish the planning commission with any requested information within a reasonable time.

(4) Perform such other tasks as are required or authorized by this Charter, the general law, or ordinance of the legislative commission.

In the performance of its duties the planning commission shall submit annually to the county executive, not less than sixty (60) days prior to the beginning of each fiscal year, a list of recommended capital improvements that in the opinion of the planning commission are necessary or desirable to be constructed or otherwise provided during the forthcoming six (6) year period. The list shall be arranged in order of preference with recommendations as to which projects should be constructed in each year.

(b) All rules and regulations, and amendments thereto, adopted by the planning commission in the exercise of the authority granted by this Charter shall not become effective until also approved by resolution of the legislative commission.

Section 5. Mandatory Referral to Planning Commission. After the planning commission has adopted a master or general plan for the area of the unified government or any part thereof, no street, park or other public way, ground, place or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the area under the jurisdiction of the unified government until the location and extent thereof is submitted to and approved by the planning commission. In the event of disapproval, the planning commission shall communicate its reasons to the legislative commission. The legislative commission may overrule the planning commission's disapproval by the vote of a majority of the serving members of the legislative commission. The widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale, or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the planning commission to act within thirty (30) days after the date of official submission to it shall be deemed approval, unless the party submitting the proposal grants a longer period.

ARTICLE 13

BOARDS, COMMISSIONS, AND AUTHORITIES

Section 1. Continuation of Certain Boards and Authorities. All boards, commissions, and authorities of the City of Sparta and/or White County not specifically dealt with in this Charter

and in existence on the effective date of this Charter shall continue as previously established as agencies of the unified government until abolished or modified by ordinance of the county legislative commission or by statute, as appropriate. The board of county commissioners of White County and the board of mayor and aldermen of the City of Sparta are not boards or commissions within the meaning of this section and shall not be continued after the effective date of this Charter.

Section 2. Powers of County Legislative Commission. (a) The county legislative commission may, by ordinance, abolish or modify the boards, commissions, or authorities created by the City of Sparta or White County and assign their duties to other agencies or departments of the unified government or discontinue the function as the legislative commission deems appropriate.

(b) The county legislative commission may, by ordinance, create and establish boards and commissions not inconsistent with this Charter or general law, modify or abolish them, and define their authority, terms, procedure, the compensation of members, if any, and the qualifications of members.

ARTICLE 14

JUDICIARY

Section 1. General Sessions Court. The City Court of Sparta is hereby consolidated with the Greater General Sessions Court of Van Buren and White Counties, previously established by public act applicable to White and Van Buren Counties, and as amended by private act, and known as the Court of General Sessions of White County when sitting in White County, hereinafter referred to as the general sessions court. The general sessions court shall have general jurisdiction over all cases arising under the ordinances of the unified government in addition to all jurisdiction heretofore vested in the Greater General Sessions Court of Van Buren and White Counties, including Juvenile Court, and the jurisdiction formerly vested in the City Court of Sparta, and all jurisdiction and powers that now or hereafter may be vested by general law in general sessions courts, municipal courts, or metropolitan courts. The judgments of the general sessions court may be reviewed, superseded, or appealed in the manner provided by the general law for general sessions courts. This consolidation of courts herein provided shall not repeal or affect the application of any public or private act providing for the jurisdiction of the Greater General Sessions Court of Van Buren and White Counties in Van Buren County, and shall only modify the general sessions court in White County.

Section 2. General Sessions Judge. (a) The judge of the Greater General Sessions Court of Van Buren and White Counties on the effective date of this Charter shall continue to serve the remainder of the term as the judge of the general sessions court. Until such time as the acts establishing the Greater General Sessions Court of Van Buren and White Counties are repealed or amended to separate the general sessions court of Van Buren County from the general sessions court as herein established for the unified government, the judge of the general sessions court shall be elected as provided in applicable public or private acts for the Greater General Sessions Court of Van Buren and White Counties.

(b) In the event that the acts establishing the Greater General Sessions Court of Van Buren and White Counties are repealed or amended to effect a separation of jurisdiction of the general sessions court for Van Buren County from the general sessions court of the unified government, then the judge of the general sessions court of the unified government shall be elected and qualified according to the general law by the qualified voters of the unified government, for a term as established by the general law for general sessions judges and until a successor is elected and qualified.

Section 3. Additional General Sessions Judges. The county legislative commission may, by ordinance, provide for an additional judge or judges of the general sessions court whenever necessary, to be elected at the next August general election following the adoption of an ordinance to provide an additional judge or judges. Any additional judges provided under authority of this section shall serve only the general sessions court of the unified government (in White County) and shall be elected by the qualified voters of the unified government. An ordinance establishing any additional general sessions court judgeships may divide the general sessions court for the unified government into divisions and assign particular jurisdictions and duties to the additional judge(s).

Section 4. Qualifications and Compensation of General Sessions Judges. Applicable public and private acts pertaining to the general sessions court shall govern the qualifications and compensation of the judge of the Greater General Sessions Court of Van Buren and White Counties. In the event that additional general sessions judges are provided under authority of this Article to serve only the unified government (in White County), then the duties and compensation of the additional judgeship shall be fixed by ordinance which shall be established before the election of such additional judge or judges. The duties and compensation of such additional judge or judges shall not be increased or decreased during a term of office. The qualifications of such additional judges shall be as provided by general law for general sessions judges.

Section 5. Vacancies in the General Sessions Court. A vacancy in the office of judge of the Greater General Sessions Court for Van Buren and White Counties shall be filled as provided in the applicable public or private acts. A vacancy in the office of any additional general sessions judge established by ordinance pursuant to this Article shall be filled according to the general law for filling vacancies in county offices.

Section 6. General Sessions Court Clerk. The circuit court clerk of White County shall administer all clerking duties for the general sessions court, except for clerking duties related to probate and related jurisdiction which shall remain as provided by private act.

Section 7. Judicial Commissioners. Judicial Commissioners in office on the effective date of this Charter shall continue in office for the remainder of their term. The county legislative commission may appoint as many judicial commissioners as it deems appropriate in accordance with the general law.

Section 8. Chancery and Circuit Court Unaffected. This Charter shall have no effect upon the Chancery or Circuit Courts established for or functioning in White County on the effective date of this Charter.

ARTICLE 15

CONSTITUTIONAL OFFICES

Section 1. Constitutional Offices Continued. The offices of assessor of property, county clerk, register, sheriff, trustee, and clerks of the courts as established by the Tennessee Constitution are continued as offices of the unified government. The qualifications, method of election or appointment, filling of vacancies, and term of office for these constitutional officers shall be as provided by general law. The duties of the assessor of property, county clerk, register, trustee and clerks of court, being the circuit court clerk and the clerk and master, shall include those duties required by general law and such other duties as are provided by this Charter or by private act. The duties of the sheriff shall be those provided in Article 4 of this Charter. All of the fees, commissions, emoluments, and perquisites of these constitutional offices shall accrue to the unified government and be remitted to the county trustee monthly or as provided by ordinance. All expenses for the conduct of these constitutional offices shall be paid from the general funds of the general services district in accordance with the annual operating budget.

Section 2. County Clerk. In addition to the duties provided by the general law, the county clerk shall serve as the clerk and secretary of the county legislative commission and shall maintain the minutes of that body and be the official custodian of all resolutions and ordinances of the unified government, all executive proclamations, and perform such other duties as prescribed by Article 2, Section 4 of this Charter. All tax collection duties of the county clerk not relating to motor vehicles may be transferred by ordinance of the county legislative commission to the county trustee.

Section 3. County Trustee. In addition to the duties provided by the general law, the county legislative commission may, by ordinance, require the county trustee to collect any revenues due to the unified government that the general law does not require to be placed with some other officer, excepting privilege taxes relating to motor vehicles. The county trustee shall have all the powers of enforcement provided to collection officers by the general law or applicable private act.

Section 4. Circuit Court Clerk and Clerk and Master. The clerk of the circuit court shall also serve as clerk of the general sessions court, juvenile court, and such other courts of county-wide jurisdiction as may be established, with the exception of the chancery court. The clerk and master shall continue as the clerk of the chancery court. This section shall not be construed as altering the clerking responsibilities of the clerk and master regarding probate jurisdiction.

ARTICLE 16

ELECTIONS AND REMOVAL OF OFFICERS

Section 1. Voter Qualifications. All persons who are lawfully registered and who are qualified to vote for members of the general assembly of the State of Tennessee shall be qualified to vote in the elections of the unified government of Sparta and White County.

Section 2. General Election Laws Applicable. The general election laws of the state shall be applicable to all elections of the unified government, except as otherwise provided in this Charter.

Section 3. Election Commission Continued. The Board of Election Commissioners of White County as constituted according to the general law on the effective date of this Charter shall continue as an agency of the unified government and shall continue to be governed by the general law.

Section 4. Oaths: Bonds. (a) Every officer of the unified government shall before entering office take the oaths required of public officers by the Constitution of Tennessee and the general law.

(b) The county legislative commission may, by ordinance, require that officers, directors, and department heads of the unified government execute official bonds in addition to any required by the general law. The premiums on such bonds shall be paid from the general operating funds.

Section 5. Officials Subject to Ouster. The county executive, members of the county legislative commission, every member of a board or commission of the unified government, and every elected or appointed officer of the unified government shall be subject to ouster or removal from office under the terms and provisions of the general law.

ARTICLE 17

CHARTER AMENDMENTS

Section 1. Amendment Process. (a) This charter may be amended subsequent to its adoption in the following manner:

An amendment or amendments may be proposed by two (2) methods:

(1) By the adoption of a resolution by the county legislative commission approving the amendment(s) and submitting it or them to the people for approval. The affirmative vote for adoption of such a resolution in the legislative commission shall be at least a two-thirds majority of the membership to which the legislative commission is entitled. The resolution when adopted need not be submitted to the county executive for his or her approval.

(2) Upon petition by twenty percent (20%) of the qualified voters of the unified government filed with the county clerk and certified by the election commission.

(b) The county clerk shall immediately send to the county election commission a certified copy of the resolution or petition. In the case of a petition, the election commission shall verify the authenticity of the signatures and certify the result to the county clerk. Further, if necessary for verification of signatures, the election commission shall examine the original petition. Upon the certification of the petition as containing the required number of authentic signatures of qualified voters of the unified government by the election commission to the county clerk, or the receipt of a certified copy of the resolution noted above, the county election commission shall select a date and hold a referendum election on the amendment(s) within sixty (60) days of the date of receiving

the resolution or certifying the validity of the petition. The ballot shall set forth the exact language of each proposed amendment, numbered as they are numbered in the resolution of the legislative commission or in the petition. The ballot shall provide the voters a choice to vote "For Ratification" or "Against Ratification" of each proposed amendment. Each proposed amendment is ratified if a majority of the votes cast at the special referendum election are in favor of ratification; each proposed amendment is rejected if a majority of the votes are against ratification. Notice of the referendum shall be given as provided by general law for special elections, and the costs of the election shall be paid out of the general funds of the unified government.

(c) The county election commission shall canvass the returns and certify the results to the Secretary of State, who shall issue a proclamation showing the results of the election on the ratification or rejection of each proposed amendment to this Charter. One copy of the proclamation shall be attached to the copy of the Charter previously certified to the Secretary of State and one copy shall be delivered to the county clerk who shall attach it to the copy of the Charter in his or her custody.

(d) The county legislative commission shall not adopt a resolution proposing amendments to this Charter more often than once during every two years, nor shall any amendment or amendments be submitted by petition more often than once in each two years.

(e) The county legislative commission shall not adopt a resolution that proposes an amendment to this Charter redistricting the legislative commissioner districts, unless the amendment is incidental to a proposed change in the number of districts. This paragraph shall not prevent the county legislative commission from adopting ordinances redistricting the legislative commissioner districts to obtain substantial equality of population in each district as provided in Article 2 of this Charter.

Section 2. Charter Revision Commission. The county legislative commission may by ordinance establish a charter revision commission to hold hearings and to make recommendations to the legislative commission with respect to amendments to the Charter of the unified government.

Section 3. Limitation on Amendments. This Charter shall not be amended, nor shall an amendment be proposed, until one (1) year after its effective date.

ARTICLE 18

TRANSITION AND EFFECTIVE DATE

Section 1. Tax Assessments and Assessors. On the effective date of this charter, the county assessor of property shall become the assessor of property for the unified government. He or she shall retain his or her former title and shall assume the powers, authority, and duties of assessor under this Charter.

The assessments made by the assessor during calendar year 1988 shall be the assessments on the basis of which taxes for that year shall be collected within both the urban services district and the general services district and to which property taxes levied by the county legislative commission for the fiscal year beginning July 1, 1988 shall apply. The assessments in subsequent years shall be made by the assessor of property for the unified government in the same manner in accordance with the general law.

Section 2. Budget and Tax Levy. The budget and tax levy or levies of the former City of Sparta for the fiscal year ending June 30, 1989, shall serve as a budget and tax levy for the urban services district for the fiscal year beginning July 1, 1988 and ending June 30, 1989. Likewise, the budget and tax levy or levies of White County shall serve as a budget and tax levy for the general services district for the fiscal year beginning July 1, 1988, and ending June 30, 1989. Where functions have been transferred from the urban services district to the general services district, or vice versa, the funds appropriated for a particular function shall follow the function. The county legislative commission may amend the budget and tax levy or levies in whole or in part, and make supplemental appropriations, so long as no transfers are made between funds.

Section 3. Certain Ordinances and Resolutions Continued. All city ordinances, resolutions, and by-laws in force in the former City of Sparta, the Charter of which is repealed by this Charter, shall continue in force and effect, when not inconsistent with the provisions of this Charter. Sparta's ordinances shall have the legal effect of ordinances of the unified government operative within the urban services district until repealed, modified, or amended by subsequent action of the county legislative commission. All resolutions of the board of county commissioners of White County and regulations pertaining to the county established pursuant to general law or private act, when not inconsistent with the provisions of this Charter, shall continue in force and effect and shall have the legal effect of ordinances of the unified government until repealed, modified, or amended by subsequent action of the county legislative commission.

Section 4. Zoning Regulations Continued. (a) The creation of the unified government of Sparta and White County shall not affect the zoning regulations effective in the City of Sparta at the time this Charter takes effect. They shall continue in force until amended by the county legislative commission. The legislative commission may amend them on the basis of recommendations by the unified government's planning commission or on the basis of a comprehensive plan prepared by the unified government's planning commission in accordance with applicable statutes and as provided by this Charter.

(b) From and after the date of the adoption of this Charter and the effective date of this Charter, no change in zoning by action of the board of mayor and aldermen of Sparta shall alter zoning to become effective with this Charter, unless the change is recommended by the municipal planning commission and receives the affirmative vote of three-fourths (3/4) of the then serving membership of the board of mayor and aldermen.

(c) The board of zoning appeals of the City of Sparta shall continue as constituted and organized at the time of the effective date of this Charter, with their respective powers and duties as provided in the zoning regulations of the City of Sparta as identified in this section. The functioning of the board of zoning appeals shall be terminated only when zoning regulations of the unified government area are enacted by the county legislative commission or when a unified government board of zoning appeals is established by the county legislative commission.

Section 5. Property Rights, Contracts, Obligations, Causes of Action and Legal Proceedings Continued. All rights and titles in real property, all rights and obligations under contracts or leases, and all causes of action of any kind vested in the City of Sparta or White County or in any officer or employee thereof in his or her official capacity at the time this Charter becomes effective shall continue without abatement or change by reason of the adoption of this Charter. Also, all liabilities in contract or tort and causes of action involving them affecting the City of Sparta or White County or any officer or employee thereof in his or her official capacity that are outstanding at the time this Charter becomes effective shall continue without abatement or modification by reason of any provision of this Charter.

Section 6. Proceedings Before County or City Agencies Continued. All petitions, hearings, and other proceedings pending before any agency of the City of Sparta or of White County shall continue and remain in full force and effect, notwithstanding that the agency may have been abolished or modified by this Charter. The petition, hearing, or proceeding may be completed by the agency of the unified government that succeeds to the rights, powers, duties and obligations of the abolished or unified agency. The word "agency" as used in this article includes officer, office, department, board, commission,

agency, or any unit of government.

Section 7. Rules and Regulations Continued. All orders, rules, and regulations made by any agency of the City of Sparta or of White County shall remain in full force and effect until revoked, repealed, or changed by the agency of the unified government succeeding to the rights, powers, duties, and obligations of the particular agency, whether or not the agency was continued unified, or abolished.

Section 8. Employee Status Continued. (a) Where an existing agency of the City of Sparta or of White County is abolished or unified by this Charter, all employees thereof shall continue as employees of the agency to which the rights, powers, duties, and obligations of the abolished or unified agency are transferred. They shall perform their usual duties upon the same terms and conditions as before until removed, appointed to positions in accordance with this Charter, or transferred to other agencies of the unified government. Where the rights, powers, duties, and obligations of any agency are divided between two or more agencies of the unified government, each of them shall receive the employees who have been regularly occupied in connection with the functions that are transferred to the agency. Every employee to whom this section applies shall be placed in one of the agencies of the unified government.

(b) All questions and problems arising under this section shall be determined by the county legislative commission. Nothing in its determination nor in this Charter shall impair or diminish the rights and privileges of employees of the City of Sparta or of White County on the date this Charter is adopted.

Section 9. Transfer of Records and Equipment. When an agency of the City of Sparta or White County is abolished or unified by this Charter, all books, papers, maps, charts, plans, records, other equipment and personal property in its possession shall be delivered to the agency to which its rights, powers, duties, and obligations are transferred. In the event of controversy between two or more agencies as to rightful possession, the books, papers, other documents, equipment and personal property shall be transferred to the agency designated by the county executive.

Section 10. Certain Unified Government Department Heads and Assistants Designated. (a) The person holding the position of director of the water, electric, and sewerage department of the City of Sparta on the effective date of this Charter shall become the initial director of the department of water, electric, and sewerage services under the unified government.

(b) The person holding the position of chief of the fire and emergency services department of the City of Sparta on the effective date of this Charter shall become the initial director of the department of fire and emergency services of the unified

government.

(c) The person holding the office of highway superintendent of White County on the effective date of this Charter shall become the initial director of the department of public works of the unified government, which shall include a public roads division. The person holding the position as head or director of the street department of the City of Sparta on the effective date of this Charter shall become a supervisor in the public roads division of the department of public works in the unified government and shall supervise the work performed on the streets and roads in the urban services district.

(d) The person holding the position of chief of police of the City of Sparta on the effective date of this Charter shall become an officer in the law enforcement department under the director of law enforcement.

(e) The person holding the position of city administrator for the City of Sparta on the effective date of this Charter shall become an employee of the unified government with duties assigned by the county executive.

Section 11. Certain Offices Abolished; Compensation to Elected Officers. Former offices of the City of Sparta and White County not specifically continued in this Charter are abolished, except that membership on certain boards, commissions and authorities shall be continued according to Article 13 of this Charter. Any officeholder of the City of Sparta elected by the people in office on the effective date of this Charter whose office is abolished shall continue to receive the salary to which he or she is entitled as an elected officeholder of the City of Sparta until the expiration of the term of office to which he or she was elected, unless the officeholder is appointed or elected to an office or position in the unified government. The salaries of the former elected officeholders of the City of Sparta shall be charged to the budget of the Urban Services District. The county legislative commission, by resolution, or the county executive may request that the former elected officials of the City of Sparta serve as consultants to the unified government during the remainder of their unexpired term of office. If any elected official of the City of Sparta refuses to serve as a consultant to the unified government, then the salary of the official shall be terminated. Further, should any elected official cease to be a bona fide resident of White County so as not to be available for services to the unified government, the salary of the official shall be terminated.

Section 12. Adoption or Approval Date. The words "the date the Charter is adopted," "the date of Charter approval," "date of approval," "date of adoption," or words of similar import shall mean the date that the Charter is approved by a majority of those voting within the City of Sparta and also a majority of those voting in the county outside the City of Sparta in a referendum election called and held as provided by Tennessee Code Annotated,

Section 7-2-106.

Section 13. Effective Date. This Charter shall become effective for the purpose of calling and holding the referendum election for its approval or disapproval as provided by Tennessee Code Annotated, Section 7-2-106, on the date it is filed with the White County Commissioners of Election.

This Charter shall become effective immediately upon its adoption for purposes of calling and holding elections for legislative commissioners as required by this Charter, and for such other purposes as are provided in this Charter.

This Charter shall become effective generally and for all other purposes on the first day of January, 1989, which shall be "the effective date of this Charter" as used in this Charter.

Section 14. Supremacy of Transitional Provisions. The transitional provisions contained in this Article and elsewhere in this Charter shall have supremacy over its other provisions in situations where they are applicable.

ARTICLE 19

INTENT OF CHARTER AND INTERPRETATION

Section 1. Intent and Severability. The people residing within the area of the unified government of Sparta and White County declare and determine that by the adoption of this Charter, it is their intent to exercise to the full extent possible the constitutional power granted by Amendment No. 8 to Article XI, Section 9 of the Constitution of Tennessee approved at an election on November 3, 1953, as implemented by general law statutes codified in Tennessee Code Annotated, Sections 7-1-101, et seq.. In so doing, it is their purpose to consolidate all or substantially all of the governmental and corporate functions of the County of White and the City of Sparta, so that, in the interest of modern, efficient and economical government, they may be operated as one governmental entity. The people further declare that to achieve this remedial objective it is their purpose and intent in its adoption that this Charter shall continue in full force and effect even if any of its separable provisions or parts are held unconstitutional or void.

Section 2. Titles and Subtitles Not Part Of Charter. The titles, subtitles, and captions appearing before the articles and sections of this Charter are not part of the Charter for purposes of interpretation and are not intended to determine or restrict the meaning of any provision. Titles, subtitles, and captions have been placed in this Charter merely for convenience.

APPENDIX THREE

Section Three

1. ARC Grant Application



Central
State Student Services and Administration
Knoxville, Tennessee 37996
615/974-1111

March 5, 1987

Dr. Michael McGuire
Assistant Commissioner
Department of Economic and
Community Development
Rachel Jackson Building
Nashville, Tennessee 37219

Dear Dr. McGuire:

I have enclosed a brief proposal on the establishment of metropolitan government in small counties in Tennessee. The University of Tennessee's Institute for Public Service is very much interested in working with your department in the development of a generic model to assist those local governments who are interested in establishing a metropolitan form of government.

As you know, we have been working closely with Sparta/White County in their efforts to determine the feasibility of this form of government. They will be confronted with costly obstacles in their attempt to establish a metropolitan government. If we could leverage the technical expertise of the County Technical Assistance Service and the Municipal Advisory Service with funding from the Appalachian Regional Commission, many of the obstacles could be alleviated. The formation of a metropolitan government should increase the economic development efforts in White and other small counties in Tennessee through greater efficiencies in government and through coordinated planning efforts.

I would welcome the opportunity to meet with you, at your convenience, to discuss this proposal, as well as any other issue where we may have the opportunity to work in concert. Thank you.

Sincerely,

Joseph Muscatello
Assistant Director

Enclosure

cc. Mr. Thomas Ballard

POSSIBILITIES FOR THE ESTABLISHMENT OF METROPOLITAN GOVERNMENT IN SMALL COUNTIES

There may be a trend toward consolidated government in Tennessee. Many local government officials throughout the state have made inquiries as to the procedures necessary in establishing a metropolitan form of government.

Currently, White County and the Cities of Sparta and Doyle, are investigating the feasibility of establishing a consolidated government for the 25,000 residents of White County. An exploratory committee, established by the City of Sparta and White County, has completed its mission, and will recommend to the White County Commission, that a Metropolitan Charter Study Commission be created. If the White County Commission accepts the recommendation of the exploratory committee, the Commission will have to meet the legal requirement of appropriating at least \$30,000, to fund such a study. The county must also bear the cost the special election requirement for the establishment of a metropolitan form of government.

The \$35,000 funding requirement is a major stumbling block for many small counties. It deters the possibility of the establishment of the metropolitan form of government in many rural counties in Tennessee. With the emphasis on multi-jurisdictional cooperation, it seems that all barriers to the exploration of cooperative efforts should be removed. Consolidated governments increase the possibility of accelerated economic development, by creating a progressive attitude among its officials, eliminating the duplication of services, and stimulating an economic climate which emphasizes controlled growth.

The University of Tennessee's Institute for Public Service, which houses the premier technical assistance agencies for local governments in Tennessee, the Municipal Technical Advisory Service and the County Technical Assistance Service, is capable of developing a generic model outlining the necessary procedures in establishing a metropolitan government.

Such a model could include; (1) legal materials and guidelines, (2) suggestions to assist in the determination of the feasibility of metropolitan government, (3) assistance in setting up an exploratory committee, (4) guidance and materials necessary to establish a public information program, and (5) technical assistance during the transition period of a newly formed metropolitan government.

The Charter Committee in Sparta/White County will face many costs in its attempt to develop a metropolitan form of government. A major expenditure will be legal fees. Another important issue that must be funded is the development of an public information/education program. A small grant from the Appalachian Regional Commission could be used to help offset some of these expenses, and could be used to develop informational programs using various formats such as videotape, audiotape, and publications. These materials could be used in public forums such as civic group meetings, local radio broadcasts, articles in local newspapers, and public information programs on local cable television. These programs could be developed so that they may be easily transferable to any city/county in Tennessee that may form a metropolitan study commission.

A generic model of this type would hold down the costs associated with the establishment of a Metropolitan Charter Commission. The requirement that at least \$30,000 be appropriated, can be found in Tennessee Code Annotated, 7-2-104. There is no requirement that the money must be spent. A model program should enable those small local governments interested in establishing a metropolitan form of government the opportunity to determine its feasibility without incurring a great cost. Once the feasibility of such an effort is determined, an educational program must be in place to inform the citizenry of the values of a metropolitan government, so that they may make an informed decision before going to the polling booths. A program that offers, (1) assistance in determining the value/liabilities of metropolitan government and, (2) a public information program, may encourage more governments to investigate the possibilities of establishing a consolidated government.

APPENDIX FOUR

Section 4

- 1. Samples of Campaign Literature**
- 2. Samples of Campaign Opposition**



The standing team of Professor DeForrest Jackson's Advertising Campaigns class pose with their company logo. They are (left to right): front, Nancy Fornaugh, Zaharah Kahr, Dee Tipps Shamal-Basha, and back, David Loy and Joseph Nagy.

Advertising Students Research Citizen Consolidation Opinions

BY DEBBIE ELDER

The University of Tennessee assisted the Sparta/White County Charter Commission this summer by providing research on citizen opinions and formulating public information strategies on the issue of local government consolidation.

Professor DeForrest Jackson's Advertising Campaigns class formulated public information campaigns on the issue of consolidating city and county government in Sparta/White County as a class project. One of the requirements of the project was that the five student groups devise a model plan for citizen information that could be used in a variety of local government settings.

State law requires that any city/county wishing to put consolidation to a citizen vote must first form a charter commission to develop a charter for the proposed form of government. After the charter is completed and filed with the state, it must pass an election in both the city and county.

"Consolidation often fails because the voters are uninformed or misinformed about the effects of consolidated government," Joe Muscatello, assistant director of UT's Institute for Public Service, said.

Although the students worked on the survey and opinion research together, the creative plans were formulated on a competitive basis, as if the groups were competing for an account.

The groups presented their projects to a panel of judges consisting of Barbara Boeing, creative director, the Tombras Group; Charles Curtis, White County Executive; Bill Johnson, chair-

man of the Sparta/White County Consolidation Committee; Lauren P. Murphy, program director for University Relations; and Richard Reizenstein, associate dean for Undergraduate Programs, UTK College of Business.

"The Sparta/White County Charter Commission has already implemented some suggestions from the winning team's presentation. Also, the students gained valuable insight into the workings of local government," said Muscatello.

The work done by the students was contracted for by the Sparta/White County Charter Commission and the Institute for Public Service. Travel expenses, materials fees, and other costs related to the projects were paid for through a grant from the Appalachian Regional Commission.

"It was an extremely worthwhile effort. As well as meeting the class objective of devising an informational campaign, the students learned about a complex issue — consolidation — the Charter Commission received some in depth research and analysis, and IPS received a model which can be transferred to other local governments," Muscatello added.

The public information model campaign developed by the winning team will be packaged for use in other local governments that wish to form a consolidation charter commission. The package will be distributed by UT's Institute for Public Service.

The winners were chosen on the quality of their formal presentation and written report. Winning team members were Dee Tipps Shamal-Basha, Nancy Fornaugh, Zaharah Kahr, David Loy and Joseph Nagy.

Department of Finance will be responsible for accounting, purchasing and budgeting. He will prepare an annual operating budget, which will be reviewed by the county executive and then submitted to the legislative commission.

School Board

Since the school system has already been successfully unified, the White County Board of Education will not be changed by government unification.

Planning Commission

This commission serves as the official planning agency of the unified government. The two current commissions will be unified, and the new commission will obtain their existing powers. The new planning commission will have no additional zoning powers. Zoning regulations will not be affected or changed by the unification charter.

Nine members make up the commission. The county executive appoints seven members who must be approved by the legislative commission. The other two members will be a legislative commissioner and the county executive (or his chosen representative).

A Final Word

The proposed charter is available for anyone to read in more detail. Drop by the County Courthouse, City Hall, or Sparta Expositor and ask for your own personal copy.

White County Government Unification

Basics of the Proposed Government

Citizens For a United Government

The ABC's of Unification

Unification means joining the governments of Sparta, White County, and possibly Doyle under one government. This unified government will streamline all the operations now carried out by the existing governments into one simplified organization.

Under unified government the county will have three service districts: general, urban, and special. The entire county makes up the general services district. The urban services district is Sparta. And special services districts will be established when any area outside of Sparta begins receiving one or more of the urban services. Each district pays only for the services it receives.

On August 4, 1988, the unification vote will be held. A majority of voters in both the county and city of Sparta must vote for the charter for it to pass. Doyle may remain an independent township, separate from the unified government.

Structure of the Unified Government

County Legislative Commission

A county legislative commission will be established using the same seven districts now used by the current county legislative body. The legislative commission serves as the main ruling body of the unified govern-

County Executive

The county executive will have general executive authority within the unified government. He serves as chief fiscal agent for the government, responsible for submitting a budget each year to the legislative commission. And he may veto any ordinance or resolution adopted by the legislative commission; however, the commission may override the veto with a 2 vote.

The first county executive will be elected in the November, 1988, take office in January, 1989, and will serve until September, 1990. From then on, an executive will be elected every four years.

Judiciary

The City Court of Sparta will be unified with the general sessions court. Chancery Court, Circuit Court, and judicial commissioners continue unchanged.

Departments

Police Dept. A sheriff's office and a separate police department will be organized under the unified government. A sheriff will continue to be elected and serve according to the Tennessee state constitution. As head of the office of sheriff, he will be responsible for the control of the jail and the

sheriff serves as director of the police department, but may be removed as director by a recall vote started by a citizen petition or a two-thirds vote of the legislative commission. If a sheriff is recalled as director of law enforcement by a majority of voters in a recall vote, then a new director will be appointed by the legislative commission to serve out the remainder of the term. The sheriff will then be relieved of his law enforcement powers, and restricted to his duties as sheriff.

Public Works. The public works department will be responsible for street, road and sanitation services in the general services district. Any special services, such as door-to-door trash pickup, shall be paid for by the district receiving the service.

Fire and Emergency Services. This department will provide fire protection and emergency services for the county. Fire protection will not be reduced in any area of the county.

Utilities Dept. Electric, water, and sewer services now being provided by the city of Sparta will be furnished by this department for the urban services district and any special services district.

Rates will be set by the legislative commission upon the recommendation of a committee of legislative commissioners from the urban and special services districts. As

Vote NO to Unified Government.

Have you wondered why...

1 If Unified Government is so cost efficient--then why don't numerous other cities in Tennessee have it, or thousands of other counties across this country?

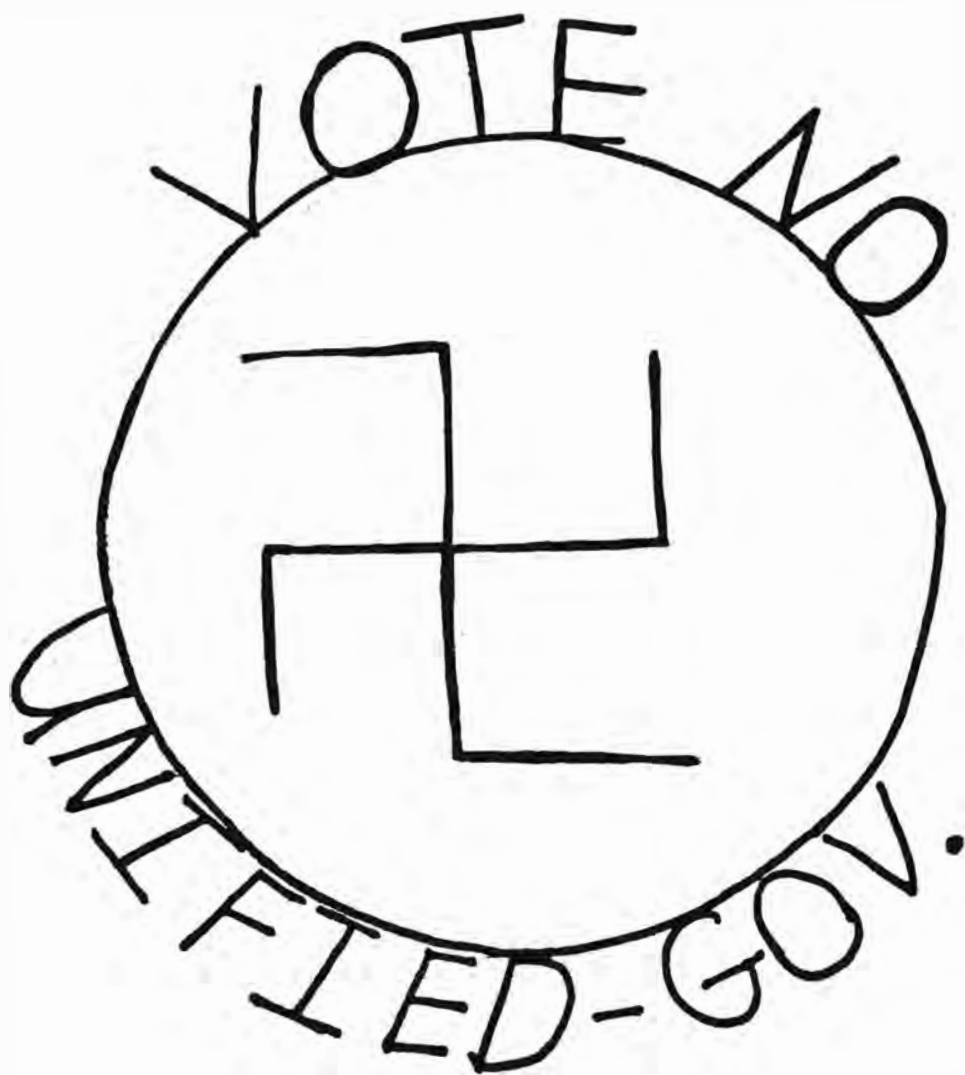
2 Why mess up city & country living with unified government? The folks who live in the city like city living and the folks who live in the country like country living. Now they have a choice. With Unified Government they don't.

3 It has been explained by the members of the Charter Commission that they don't intend to change zoning regulations in the county to match zoning regulations in the city, however if the charter passes, one stroke of the pen could change that. Imagine having to get a permit to put up a chicken coop on your country property.

4 The promoters of the Unified Government would like you to believe that the power will be in the hands of the people. Nothing could be further from the truth! The County Executive and a few others inherit most of the power.

5 Under the Unified Government, taxes will go up for everyone - city & county. These changes cost money. Who do you think is going to pay for this...You the tax payer! Who will benefit? NOT the middle or lower income family.

6 Don't let Unified Government be rammed down our throats. Get out and vote **NO** on August 4, 1988.



THIS REMIND
YOU OF
ANYTHING?

VOTE NO

Voters Say 'No' To Unified

F40
Tain

By BROOKE E. MARTIN
Expositor Staff Writer
After nearly two years of
planning by a 15-member

Charter Commission, the proposed referendum to unify Sparta city and White County failed in Thursday's county

election.

Although the final unofficial votes against the referendum nearly doubled

those for it, both city precincts passed the referendum by a total of 196 votes. However, the five county precincts failed the referendum by 700 votes.

In the race for General Sessions Judge, Gary W. Dodson won the seat by a narrow 50-vote margin. In the two-county election, White county chose Dodson with a 126 vote margin over his nearest opponent, Lynn Haston. Van Buren County chose Haston by a margin of 76 votes, but added 373 votes to lead Dodson to his overall victory.

Precinct Breakdown

[illegible]